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WILLIAM & MARY DUNSTON
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ALL THE
MEMORIALS

Of the COURTS of

*Comissioners for adjusting the boundaries for the British
French possessions in*
GREAT BRITAIN

America
FRANCE,

Since the PEACE of *Aix la Chapelle*,

Relative to the LIMITS of the Territories of
both Crowns in

NORTH AMERICA;

And the RIGHT to the *Neutral Islands*

IN THE

WEST INDIES.

HAGUE: Printed in the YEAR MDCC LVI.

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ADVERTISEMENT.

Hague, Jan. 5, 1756.

S*OME* of the Memorials which have been respectively delivered by the *English* and *French* Commissaries, concerning the Limits of *Acadia*, or *Nova Scotia*, and the Right to *St. Lucia*, having been printed at *Paris*, it has been thought necessary to print, here this Edition of *ALL* the Memorials upon these Points, in the same Form in which they were delivered.

ALL the *English* Memorials (except that dated the 23d of *January* 1753,) were drawn up by

The Earl of *Hallifax*,

Lord Viscount *Dupplin*,

John Pitt, Esq;

Honourable *James Greenville*,

Francis Fane, Esq;

Honourable *Charles Townshend*,

Andrew Stone, Esq; and

James Oswald, Esq;

Lords for
Trade and
Plantations.

And by them transmitted to the *British* Commissaries, who presented them to the *French* Commissaries.





MEMORIALS

OF THE

ENGLISH *and* FRENCH Commissaries,

Concerning the LIMITS of

Nova Scotia or Acadia, &c.



Les limites des provinces Angloises
ont ete prises sur des cartes Angloises

Septentrionale
Longitude Occidentale du Meridian de Londres
70 65 60

Riviere du Canada ou Fleuve S. Laurent

Anticosti

Quebec

Cap. des Roitiers
R. de Gaspe
Port

Baie des Chaleurs

I. Brion

I. aux Oiseaux

I. de la Madeleine

Baccalaos
ou
I. du Cap Breton
ay. I. ROYALE

Cap. Breton

Port des Baleues

Harre Louchu

I. S. Jean

Pass. de l'Empire

P. de Chedibouctou

C. Carveau

Cap. de Roitiers

Cap. S. Marie

I. d. Sable

BAYE FRANCOISE

PORT ROYAL

Cap. S. Marie

Cap. Financiere

Port la Roche

Port L'Ange

Cap. de l'Ange

Port Negro

Port de l'Ange

Port de l'Ange

Port de l'Ange

Port de l'Ange

Port de l'Ange

Port de l'Ange

Port de l'Ange

Port de l'Ange

Port de l'Ange

Port de l'Ange

CARTE D'UNE PARTIE DE
L'AMERIQUE SEPTENTRIONALE
Pour servir à l'Intellegence du Mémoire
sur les prétentions des Anglois au sujet
des Limites à regler avec la France dans
cette Partie du Monde.

Echelle
Lieues Marines de 20 au Degré
5 10 20 30 40

Longitude Occidentale de l'Observatoire de Paris

Midi

J. Jefferys sculpteur - Londini

1755.



A

MEMORIAL,

Describing the LIMITS of

Nova Scotia or Acadia.



HEREAS by the 12th Article of the Treaty *Acadia.*
of Peace concluded at *Utrecht* the 11th of
April 1713, it was agreed as followeth.
“ That the Most Christian King shall take
“ Care to have delivered to the Queen of
“ *Great-Britain*, on the same Day that the Ratifications
“ of this Treaty shall be exchanged, solemn and authen-
“ tic Letters or Instruments, by Virtue whereof it shall ap-
“ pear, that the Island of *St. Christophers* is to be possessed
“ alone hereafter by *British* Subjects: Likewise all *Nova Scotia*
“ or *Acadia*, with its ancient Boundaries; as also the City of
“ *Port-Royal*, now called *Annapolis-Royal*, and all other Things
“ in those Parts which depend on the said Lands and Islands;
“ together with the Dominion, Propriety, and Possession of the
“ said Islands, Lands, and Places, and all Right whatsoever by
“ Treaties, or by any other Way obtained, which the Most
“ Christian King, the Crown of *France*, or any the Subjects
“ thereof, have hitherto had to the said Islands, Lands, and
“ Places, and the Inhabitants of the same, are yielded and made
“ over to the Queen of *Great-Britain*, and to her Crown for

*Memorial of the English Commissaries.**Acadia.*

“ ever, as the Most Christian King doth at present yield and
 “ make over all the Particulars abovesaid, and that in such
 “ ample Manner and Form, that the Subjects of the Most Chri-
 “ stian King shall hereafter be excluded from all Kind of Fishing
 “ in the said Seas, Bays, and other places on the Coasts of *Nova*
 “ *Scotia* ; that is to say, on those which lie towards the East
 “ within thirty Leagues, beginning from the Island commonly
 “ called *Sable* inclusively, and thence stretching along towards
 “ South-West.”

And whereas in Conformity to this Treaty, the said late Most
 Christian King, by his Letters and authentic Acts, sign'd with
 his Hand at *Marli*, dated in the Month of *May* in the Year 1713,
 “ did yield up for ever to the late said Queen of *Great-Britain*
 “ the said Country of *Nova Scotia* or *Acadia*, in its Entire, con-
 “ formable to its ancient Limits, as also the City of *Port-Royal*,
 “ now called *Annapolis-Royal*, and generally all that depends on
 “ the said Lands and Islands of the said Country, to be possessed,
 “ for the future, in full Sovereignty and Propriety, with all the
 “ Rights acquired by him the said King, and his Subjects, by
 “ Treaty, or otherwise, by the said Queen, and the Crown of
 “ *Great-Britain*, making over to Her to this Effect full and en-
 “ tire Possession for ever ; without that it shall permitted to
 “ the Subjects of the said King to fish in the Seas, Bays, or other
 “ Places within Thirty Leagues near the Coasts of the said *Nova*
 “ *Scotia* to the South-East, beginning at the Island of *Sable* in-
 “ clusively, and from thence drawing to the South-West ; as by
 “ the said Treaty, and Letters of Cession, it doth appear.”

Now the under-written Commissaries of His Majesty the King
 of *Great-Britain*, declare what are the Limits which they de-
 mand on the part of his said Majesty, as the true Boundaries of
 the said Territories of *Nova Scotia*, or *Acadia*, in its Entire, con-
 formable

formable to its ancient Limits; namely, —“ On the West, *Acadia.*
 “ towards *New-England*, by the River *Penobscot*, otherwise
 “ called *Pentagoet*, that is to say, beginning at its Entrance, and
 “ from thence drawing a streight Line Northwards to the River
 “ of *St. Laurence*, or the great River of *Canada*: — On the
 “ North, by the said River of *St. Laurence*, going along the
 “ South-side of it to *Cape Rosiers*, situated at its Entrance. —
 “ To the East, by the great Gulph of *St. Laurence* from the said
 “ *Cape Rosiers*, running South-Eastwards, by the Islands of *Ba-*
 “ *calio* or *Cape Breton*, leaving these Islands at the Right; and
 “ the Gulph of *St. Laurence*, and *Newfoundland*, with the Islands
 “ belonging thereto, on the Left, unto the Cape, or Promontory,
 “ called *Cape-Breton*: — And, to the South, by the great
 “ *Atlantic Ocean*, drawing to the South-West from the said
 “ *Cape-Breton*, by the *Cape Sable*, taking in the Island of that
 “ Name, round about the Bay of *Fundi*, which goes up East-
 “ ward to the Country at the Entrance of the River *Penobscot*,
 “ or *Pentagoet*.”

And agreeable hereto the said Commissaries demand all the
 Lands, Continents, Islands, Coasts, Bays, Rivers and Places,
 which are compromised within the said Limits, or are dependant
 on the said *Nova Scotia*, or *Acadia*, bounded as above, with the
 Sovereignty, Property, Possession, and all the Rights acquired by
 Treaties, or otherwise; which the said most Christian King, the
 Crown of *France*, or its Subjects whatever, ever had in the said
 Lands, Continents, Islands, Coasts, Bays, Rivers, Places, and their
 Inhabitants, as belonging to the Crown of *Great-Britain*, by Vir-
 tue of the said Twelfth Article of the Treaty of *Utrecht*, without
 Reservation, or Diminution; except the said Island of *Cape-Breton*,
 and the Islands situated at the Mouth of the River of *St. Laurence*,
 or in the Gulph of the same Name, the which are reserved to
 the Crown of *France* by the 13th Article of the said Treaty.

And

Acadia. And without that it be permitted to the Subjects of the Crown of *France* to fish in the Seas, Bays, and other Places within thirty Leagues Distance South-East of the Coasts of the said *Nova Scotia* or *Acadia*, beginning from the said Island of *Sable* inclusively, and stretching along to the South-West.

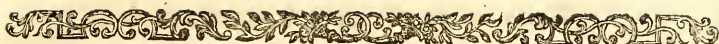
And whereas, at divers Times, whilst the said *Acadia* was in the Possession of the Crown of *France*, Attempts were made to extend its Limits Westward as far as the River *Kennebecqui*, pretending that the Lands or Territories situated between the said Rivers of *Penobscot* and *Kennebecqui*, made Part of the said *Acadia*, and as such belonged thereunto; which said Lands or Territories then did, and now do, belong to the Crown of *Great-Britain*: Now the said Commissaries declare, That all the Lands and Territories, situated between the said Rivers of *Penobscot* and *Kennebecqui*, and which are bounded on the North by the said River of *St. Laurence*, do belong to the Crown of *Great-Britain*, as well by ancient Right as by Virtue of the said Treaty of *Utrecht*; by which his said Most Christian Majesty was obliged to yield, and did actually yield, to the Crown of *Great-Britain*, all the Islands, Lands, and Country whatsoever, which he had ever at any Time possessed as Part of the said *Acadia* or *Nova Scotia*, or as dependant thereon, and all Right to the same, which he, or his Subjects, had acquired by Treaty or otherwise.

And the said Commissaries, on the Behalf of the King of *Great-Britain*, demand moreover, that necessary Orders be dispatched for the due Execution of the said 12th Article of the Treaty of *Utrecht*, agreeable to the true Intention and Spirit of the same, as also for the withdrawing of all the Establishments made by the Subjects of his Most Christian Majesty, if any there be, within the Limits as above.

Paris, September 21, 1750.

Sign'd,

W. SHIRLEY. W. MILD MAY.



A

M E M O R I A L

Concerning the PROVINCE of *Acadia*; presented
by the *French* Commissaries

TO THOSE OF

His *Britannick* Majesty, dated the 21st of
September, 1750.



Y the Treaty of *Utrecht*, the King cedes the *Acadia*.
whole Province of *Acadia* to the King of *Eng-*
land, agreeable to its ancient Limits; as also
Port-Royal or *Annapolis*; and by the same Treaty
his Majesty remains in Possession of all those
Islands situated in the Gulph of *St. Laurence*, and the Entrance
into the same, except the Island of *Newfoundland*, which is
ceded to his *Britannick* Majesty, with such Reservations as are
stipulated by the Treaty.

From the above-mentioned Treaty it appears,

1. That *Annapolis* was not comprehended in the ancient Limits of *Nova Scotia*, which is also confirmed by the most ancient Description of this Country, and consequently ancient *Acadia* comprehends only a Part of the Peninsula so called.
2. That the Island of *Canso* being situated in one of the Entrances into the Gulph of *St. Laurence*, *England* may call to mind the Complaints formerly by the King of *France*, touching the violent Invasion of this Island in 1718, in a Time of profound

Acadia. found Peace, by Captain *Smart*, Commander of an *English* Ship of War called the *Squirrel*; in Consequence of which Complaints Commissioners were nominated, yet nothing determined; but it is worthy of Observation, that some Time after the *English* Court granted an Indemnification to the Sufferers for the Effects carried off by the said Ship.

3. That the Limits between *New France* and *New England* should not suffer any Alteration, but ought to be at this Day what they were before the Treaty of *Utrecht*, which Treaty made no Alterations in these Limits.

The Consequences only which result from the Letter and Meaning of this Treaty are here considered. Such is the Condition wherein these Colonies ought to be put, supposing that the respective Commissioners should not agree in their Conferences. Should any Medium or Modification be thought requisite towards the Establishment of Peace, the Dispositions of *France* on this Head are not equivocal; of which she has given Proofs by the provisional Evacuation of the Islands of *Tabago* and *Saint Lucia*. The Commissaries of his Most Christian Majesty here repeat what they have already said in the Conferences; that the definitive Convention ought to comprehend not only the Boundaries of *Acadia*, but also those of the other Colonies, and all the other Objects, the Regulation of which is entrusted to them.

Paris, the 21st of *September*, 1750.

Sign'd,


LA GALISSONIERE. DE SILHOUETTE.



A
M E M O R I A L
Concerning *Acadia*,
Delivered by the *French* Commissaries

TO THOSE OF

His *Britannick* Majesty, the 16th *November*, 1750.

 HE Commissaries of his *Britannick* Majesty *Acadia.*
having desired that the King's Commissaries
would explain themselves more precisely touching
the ancient Limits of *Acadia*, the said Commissaries
of his most Christian Majesty declare,
that ancient *Acadia* commences at the Extremity of *Baye-*
François, from Cape *St. Mary*, and extending all along the
Coasts, till it terminates at Cape *Canso*.

Sign'd,

LA GALISSONIERE. DE SILHOUETTE.

C



A
M E M O R I A L

Concerning the LIMITS of *Nova Scotia* or *Acadia*,
presented by His Majesty's Commissaries

TO THE
Commissaries of His Most Christian Majesty,
dated *January 11, 1751.*

Acadia.

I.



E the underwritten Commissaries of the King of *Great-Britain* having, in our Memorial of the 21st of *September* last, mark'd out the Extent and ancient Limits of *Nova Scotia*, or *Acadia*, yielded to the Crown of *Great-Britain* by the 12th Article of the Treaty of *Utrecht*, shall now proceed to evince the Truth of those Limits, and demonstrate His Majesty's just Title to all the Lands, Continents, Islands, Shores, Bays and Rivers comprehended within them. In doing this we shall argue upon no Facts which are not authentick, and no Evidence which is not conclusive; and we are so fortunate as to be able to support every Part of this Claim, not only from several Declarations and Acts of State on the Part of the Crown of *France*, but also from the uniform Possession of that Crown for many Years, both before and after the Treaty of *Breda*, which Crown, as often as it claim'd and possess'd it in that Extent, and with the same Limits we now contend for.

II. In

II. In 1647, the Crown of *France* being then in Possession of *Acadia*, *Charles de Menou*, Chevalier Sieur d'*Aulnay Charnezay*, obtain'd a Commission under the Sign Manual of *Lewis XIV.* which recites, That the said Sieur d'*Aulnay* having been appointed by the late King, Governor and Lieutenant General of *Acadia* in *New France*, had exercised that Office for 14 Years, and had expell'd the foreign Religionaires from the Fort of *Pentagoet*, and restored to the Obedience of that Crown the Fort of the River St. *John's*; for which, and other Services, he is confirm'd and re-establish'd in the said Office by the following Words, *viz.* "Gouverneur et Lieut. Général en tous lefdits
"Païs, Territoires, Côtes et Confins de l'*Acadie*, à commencer
"dès le Bord de la grande Rivière de St Laurent, tant du long
"de la Côte de la Mer et des Isles adjacentes qu'en dedans de
"la Terre ferme, et en icelle étendue tant et si avant que faire
"se pourra, jusqu'aux *Virgines*."

III. And in another Part of this Commission, where Power is given to the said d'*Aulnay* to traffick with the *Indians*, the Limits are describ'd in the following Words, "Dans toute
"l'étendue ou dit Païs de Terre ferme et Côtes de l'*Acadie* depuis
"la dite Riviere St. Laurent jusqu'à la Mer, tant que les dits
"Païs et Côtes se peuvent étendre jusqu'aux *Virgines*."

IV. To explain the Word *Virgines*, made use of in this Commission to denote the Western Limits of *Acadia*, let us observe, That King *James* the First, in 1606, granted a certain Territory to two Companies, allowing the one to settle at any Place on the Coast of *Virginia* between the Degrees of 34 and 41, the other between the Degrees of 38 and 25 North Latitude; and that in Consequence of this Grant, all that Country, which has since been divided into separate Provinces, pass'd for many Years under the Names of North and South *Virginia*, as

Memorial of the English Commissaries.

Acadia. will farther appear from the ancient History of its first planting by *Samuel Purchas*, and from *Neale's History of New England*.

V. It results from this Evidence, that the Country of *Acadia* was then deemed by the Crown of *France*, to extend Northward as far as the Southern Banks of the River of *St. Laurence*, and to the Western as far as the River *Pentagoet*, and that the Western Boundaries of *Acadia* abutted upon the *British Territories*.

VI. The *Sieur Etienne de la Tour*, by Virtue of a Commission under the Sign Manual of the said King *Lewis XIV.* dated at *Paris* the 25th of *February* 1651, was appointed Governor of all *Acadia*, by Virtue of which Commission he took Possession thereof, and settled at *St. John's*, and at the same Time took Possession of *Pentagoet* or *Penobscot*, until he deliver'd that up, with the other Forts in *Acadia*, to a Fleet of *English Ships* sent thither by *Oliver Cromwell* in 1654.

VII. Count d'*Estades*, Ambassador from *France* at the Court of *Great-Britain*, in a Letter to his most Christian Majesty, dated at *London* the 13th of *March* 1662, takes Notice, that the *French* had peaceably enjoyed *Acadia* in Consequence of the Treaty of *St. Germain's*, until the Year 1654, when he says that *Oliver Cromwell*, "Sous prétexte de Lettres de reprisailles envoya faire une descente avec quatre Vaisseaux dans la Rivière de *St. Jean*, et ensuite prit les Forts de l'*Acadie*." And in the 25th Article of the Treaty concluded at *Westminster* in 1655, between the Commonwealth of *England* and the Kingdom of *France*, it is mention'd, That the three Forts of *Pentagoet*, *St. John*, and *Port-Royal*, were reclaim'd by the Ambassador of of his most Christian Majesty.

VIII. These

VIII. These three Forts thus specified, were then reclaim'd by the Crown of *France* as Part of *Acadia*, M. d'Esstrades, in his above recited Letter, insisting upon the Restitution of them for that very Reason. *Acadia.*

IX. In 1656, Colonel *Thomas Temple*, (afterwards Sir *Thomas Temple*) was appointed by *Oliver Cromwell*, Governor of the Forts of *St. John*, *Port-Royal*, and *Pentagoet*, as appears by the original Warrant of *Oliver Cromwell* to Capt. *Leverett*, then Governor of those Forts, to deliver them up to him; in which Warrant these Forts are mention'd to be in *Acadia*, commonly call'd *Nova Scotia*, in *America*.

X. Count d'Esstrades, in a Letter dated the 27th of *February* 1662, acquaints his Most Christian Majesty, That Deputies from *New England* had presented a Petition to King *Charles II.* and the Parliament of *England*, containing many strong Reasons against the Restitution of *Acadia* to the *French*, which he had repeated Instructions to demand; and that Commissaries having, at his Desire, been appointed to treat with him on that Affair, he had, in the Conferences with them, demanded the Restitution of all *Acadia*, containing 80 Leagues of Country, and that the Forts of *Pentagoet*, *Fort-Royal*, and *la Have*, should be restored in the same Condition they were in when taken.

XI. In his Letter to the King, dated the 13th of *March* 1662, he calls *Pentagoet* the first Place in *Acadia*; and in another Letter to the King, dated the 25th of *December* 1664, wherein he's reasoning in Favour of a League with *England*, he says, Your Majesty may also, by a Treaty with the King of *England*, get *Acadia* restored, from *Pentagoet* to *Cape-Breton*, containing 80 Leagues of Coast.

XII. By

Acadia.

XII. By the 10th Article of the Treaty concluded between the two Nations at *Breda* on the 31st July 1667, the Restitution of *Acadia* to the Crown of *France* is stipulated in the following Words: “ Le ci-devant nommé Seigneur le Roi de la Grande Bretagne restituera aussi & rendra au ci-dessus nommé Seigneur le Roi Très-Chrétien, ou à ceux qui auront charge & mandement de sa part, scellé en bonne forme du grand-sceau de France, les Pays appelé l’Acadie, situé dans l’Amérique septentrionale, dont le Roi Très-Chrétien a autrefois joui; & pour exécuter cette restitution, le sus-nommé Roi de la Grande Bretagne, incontinent après la ratification de la présentel Alliance, fournira au sus-nommé Roi Très-Chrétien, tous les actes & mandemens, expédiés dûement & en bonne forme, nécessaires à cet effet, ou les fera fournir à ceux de ses Ministres & Officiers qui seront par lui délégués.”

XIII. Accordingly, on the 17th of February 1667-8, an Instrument was executed by his Majesty, by which, in pursuance of the said Treaty, the King surrenders for himself, his Heirs and Successors for ever, all that Country call’d *Acadia*, lying in *North America*, which the said Most Christian King did formerly enjoy, as namely, *The Forts and Habitations of Pentagoet, St. John, Port-Royal, la Have and Cape de Sable, which his Subjects enjoyed under his Authority till the English possess’d themselves of them in the Year 1654*, and since: And in the Copy of this Instrument upon Record in the Paper-Office, there is a marginal Note opposite to the Names of the above Forts, in these Words, viz. “ *Inserted at the Request of M. de Rouvigny.*”

XIV. M. Mourillon du Bourg, being commission’d under the Great Seal of *France* to receive *Acadia*, on the 21st of October 1668, demanded a Restitution thereof according to the Treaty of *Breda*, from Sir Thomas Temple the Governor, delivering him

at

at the same Time a Letter from the King of *England*, dated the 31st of *December* 1667, under his Signet, containing his Majesty's Order for the Surrender of it : But Sir *Thomas Temple* return'd for Answer, among other Things, That finding several Places mention'd in the Order by Name to be in *Nova Scotia*, and not in *Acadia* ; and his Majesty having likewise commanded him, in the said Order, to conform himself to the Articles of the said Treaty, *where there is no Mention made of Nova Scotia* ; for that and other Reasons he held it his Duty to respite the Delivery of the said Country until his Majesty's Pleasure was further known, both as to the Bounds and Limits of *Acadia* and *Nova Scotia*, there being no Places mention'd in his Order but *la Have* and *Cape Sable* which belong'd to *Acadia*, and the rest of the Places mention'd, *viz. Pentagoet, St. John, and Port-Royal, being in Nova Scotia, bordering upon New England.*

XV. This Answer is dated at *Boston* the 16th Day of *November* 1668, and is attested as well by the said *de Mourillon du Bourg*, as by Sir *Thomas Temple* ; and the said *du Bourg*, in a Letter to the *French West-India Company*, dated the 9th of *November* 1668, giving an Account of this Transaction, says, That Sir *Thomas Temple* made a great Difference between *Acadia* and *Nova Scotia*, *which he makes to consist from Mereguelish by Cape-Breton, to the River of Quebec.*

XVI. King *Charles II.* judging this Distinction made by Sir *Thomas Temple* to be frivolous, did, at the Representation of the Ambassador of *France*, send final Orders under his Sign Manual to Sir *Thomas Temple*, dated the 6th of *August* 1669, reciting a former Letter of the 8th of *March*, and that some Doubt had arisen to the *Sieur Colbert*, Ambassador from *France*, whether the said Letter of the 8th of *March* might not meet with some Difficulty or Delay, and therefore repeating, " That
it

Acadia. it was his most exprefs Will and Pleasure, that forthwith, and without all manner of Doubts, Difficulties, Scruples or Delays whatsoever, he should restore, or cause to be restored, to the Most Christian King, or to such as he should thereto appoint, under the Great Seal of *France*, the said Country of *Acadia*, which did formerly belong to the said King, as namely, The Forts and Habitations of *Pentagoet*, *St. John*, *Port-Royal*, *la Have*, and *Cape-Sable*; which his Subjects enjoy'd under his Authority until the *English* possess'd themselves of them in the Year 1664 and 1665, and since; and that he should proceed therein really and sincerely, conforming himself in the Execution thereof to what it is set down in the 10th and 11th Articles of the Treaty of *Breda*.

XVII. This Order was deliver'd by the Chevalier de *Grande Fontaine*, commission'd under the Great Seal of *France* to receive *Acadia*, to Sir *Thomas Temple*, who, being sick, appointed Capt. *Richard Walker*, his Deputy Governor, to deliver the Possession of *Acadia*, viz. The said Forts and Habitations of *Pentagoet*, *St. John*, *Port-Royal*, *la Have*, and *Cape-Sable*, conforming himself therein to the 10th and 11th Articles of the Treaty of *Breda*.

XVIII. The original Certificates of the Surrender of three of the Forts, viz *Port-Royal*, *Pentagoet*, and the Fort call'd *Gimi-sack* upon the River *St. John*, are sign'd by the above-mention'd Capt. *Richard Walker* and *Isaac Garner*, and also by the said *Fontaine*, or by the *Sieur de Marson de Soulange*, who appears to be authorized by him.

XIX. Upon this important Transaction we must observe;

XX. 1st, That the Forts *Pentagoet*, *St. John*, *Port Royal*, *Cape Sable*, and *la Have* have been, at the Desire of the Ambassador of *France*, inserted by Name in the Order for the Execution of the Treaty of *Breda*, as descriptive of the whole Territory of
Acadia,

Acadia, and these being the only Forts and Settlements which then existed in the Province, and being situated in different Parts of it, two of them without the Peninsula, the Surrender of these Forts by one Power, and the Possession taken by the other, is a full Evidence of the Surrender and Possession of all *Acadia*, in Pursuance of the said Treaty, such as it had been ever possessed by the Crown of *France* before it.

XXI. 2dly, That Sir *Thomas Temple's* Endeavours to restrain the Limits of *Acadia*, having, at the Instance of the Crown of *France*, been disavow'd by *Great-Britain*, both Crowns did thereby, in the most deliberate Manner, declare their Sense of the Extent of *Acadia* so far as the Limits are expressed in the Orders for the Execution of the Treaty of *Breda*, which Sense is further explain'd and illustrated by the future Possession of the Crown of *France* under that Treaty.

XXII. 3dly, That by the 10th Article of the Treaty of *Breda*, *Acadia* being ceded to the Crown of *France*, such as the said Crown formerly enjoyed it; all the Proofs which we shall produce to shew the Limits of the said Country, as possess'd by that Crown in Consequence of the Treaty of *Breda*, as well as the Evidence which we have already stated, to shew the Limits with which that Crown possess'd it antecedent to the said Treaty, tend equally to prove, in the most effectual and convincing Manner, what were the most ancient Limits of *Acadia*.

XXIII. Both Nations having thus agreed that *Pentagoet* was within the Western Limits of *Acadia*, the *French* from this Period omitted no Opportunity of endeavouring to extend by Claim, the Limits on that Side, even as far as the River *Kennebeck*.

Acadia.

XXIV. In 1685, upon a Complaint, that some *English* Vessels had fish'd upon the Coast of *Acadia*, the *French* Ambassador, then in *England*, presented a Memorial to the King on the 16th of *January*; wherein he sets forth, That the Coast of *Acadia* or *Nova Scotia*, extending from the Isle *Perfée*, (which lies near Cape *Rosiers* at the Entrance of the River *St. Laurence*) to *St. George's* Island (which lies at the Mouth of the River *St. George*) was possess'd by the *French* till the Year 1664, (meaning 1654) when it was taken by the *English*, and in the Year 1667, again restored to the *French*, pursuant to the Treaty of *Breda*.

XXV. This Memorial describes the Coast of *Acadia*, with the same Northern, Eastern, and Southern Limits, which we now claim, and carries them still further Westward, *St. George's* Island lying on that Side beyond the Fort of *Pentagoet*.

XXVI. In *October* 1687, *M. de Barillon* and *M. de Bon Repaus*, (one Ambassador, and the other Envoy Extraordinary from the Court of *France* to the Court of *Great-Britain*, and appointed Commissaries on the Part of *France* for the Execution of the Treaty of Peace, good Correspondence, and Neutrality, concluded on the 6th of *November* 1686, betwixt the Crowns of *Great-Britain* and *France*, with Regard to their respective Territories in *America*) presented a Memorial to the Court of *Great-Britain*, complaining, That the Judge of *Pemaquid*, a Subject of the Crown of *Great-Britain*, had seized and carried off certain Merchandize in the Possession of *M. Caslein*, a *French* Merchant settled at *Pentagoet*, situated in the Province of *Acadia*, as Contraband, and upon Pretence that *Pentagoet* belonged to *Great-Britain*; whereupon they represented, " Que par les Articles X. & XII. du Traité de *Breda* il est expressément déclaré que
" l'*Acadie*

“ l’Acadie appartient au Roi notre Maître, & qu’en Exécution
 “ de ce Traité le feu Roi d’Angleterre, par ses dépêches du ¹⁶/₆
 “ Août 1669, a envoyé ses Ordres au Chevalier Temple pour
 “ lors Gouverneur de Boston de remettre l’Acadie entre les
 “ mains du Chevalier de Grande-Fontaine & nommément les
 “ Forts & Habitations de Pentagoet qui en font partie.” And
 then they circumstantially recapitulate all the Particulars relating
 to the Surrender of that Fort, as we have before stated them.

XXVII. On the 5th of September 1698, M. Villehon, then the
 French Governor of Acadia, in his Letter of that Date to the
 Lieutenant Governor of the Province of the Massachusetts Bay,
 complaining of the Encroachments of the Inhabitants of New-
 England upon the Coasts, says, “ Il m’est aussi expressement or-
 “ donné de la part de sa Majesté de maintenir les Bornes qui
 “ sont entre la Nouvelle Angleterre & nous, qui sont du haut
 “ de la Rivière de Kinnebequi jusqu’à son Embouchûre, en
 “ laissant libre son Cours aux deux Nations.”

XXVIII. In 1700 the French Ambassador made the following
 Proposals to the Court of Great-Britain, relating to the Limits
 between the French and the English Territories in North America,
 contain’d in a Paper entitled, “ Alternatives proposées pour servir
 “ des Limites dans l’Amerique entre la France & l’Angleterre ;
 “ viz. par la première Alternative, je propose que la France garde
 “ le Fort de Bourbon & l’Angleterre celui de Chichitowan, ayant
 “ de part & d’autre pour limites entre les deux Nations de ce
 “ côté là qui est juste-
 “ ment à moitié chemin entre les deux Forts susdits, & en ce
 “ cas là les Limites de la France du côté de l’Acadie, seroient re-
 “ streintes à rivière St. George, &c.”

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XXIX. “ Par la seconde alternative, je propose que le Fort de Chichitowan reste à la France, le Fort de Bourbon à l’Angleterre, ayant pour Limites le meme endroit dont je viens de parler ci-dessus, *mais en ce cas l’on demande que les Limites de la France du côté de l’Accadie, s’étendent jusque la rivière Quinnebequy.*

XXX. In 1710, during the War betwixt the two Crowns, General *Nicholson* sailed from *New-England* with a considerable Force, and having laid Siege to *Port-Royal* (now *Annapolis-Royal*) the only Fortres then left standing in *Nova-Scotia* or *Acadia*, Monsieur *Subercaise*, then Governor of *Acadia* for the Crown of *France*, in a few Days capitulated and surrendered it to him, and immediately after such Surrender, quitted *America*. And in a Paper, whereby he obliges himself to procure Passports to old *England* for the Officers who were to conduct him to old *France*, he styles himself, “Gouverneur de l’Acadie de Cap Breton, Isles & Terres adjacentes depuis le Cap de Roziers, du Fleuve St. Laurent, jusqu’à l’Ouverture de la Rivière de Kennebequi.”

XXXI. In April 1711, Propositions for a Peace were made on the Part of *France*, and in Consequence thereof, preliminary Demands by *Great-Britain*, one of which was, “That *Great-Britain* and *France* should respectively keep the Countries, Dominions and Territories in North *America*, which each of them should possess at the Time the Ratifications of the proposed Treaties should be published in those Parts of the World.”

XXXII. In answer to this, his Most Christian Majesty proposed; “That the Discussions of this Article should be referred to the general Conferences of the Peace.”

XXXIII. The

XXXIII. The Preliminary Articles were signed on the *Acadia.*
^{27 Sept.}
^{8 Oct.} 1711.

XXXIV. In the Queen of *Great-Britain's* Instructions to the Lord Privy Seal and the Earl of *Strafford*, her Plenipotentiaries at the Treaty of *Utrecht*, her Majesty directs them to demand, "That his Most Christian Majesty should quit all Claim or Title, by Virtue of any former Treaty or otherwise, to the Country called *Nova Scotia*, and expressly to *Port-Royal*, otherwise *Annapolis-Royal*."

XXXV. In a Memorial from Mr. *St. John*, one of Her Majesty's Principal Secretaries of State, to Monsf. *de Torcy*, his Most Christian Majesty's Minister, relating to *North America*, dated 24th of *May* 1712, during the Negotiation it is proposed, "That His most Christian Majesty should yield *Nova Scotia* or *Acadia*, according to its ancient Limits."

XXXVI. On the 10th of *June* 1712, Answer was returned, "That the King offered to leave to *England* the Artillery and Ammunition of *Placentia*, the Isles adjacent to that of *Newfoundland*, to forbid the *French* the Liberty of fishing or drying of Cod-fish upon the Coast of that Isle, likewise upon that Part called the *Petit Nord*; to add to these Conditions the Cession of the Isles of *St. Martin* and of *St. Bartholomew*, adjoining to that of *St. Christopher*, if for this new Offer the Queen of *Great-Britain* would consent to restore *Acadia*, of which the River of *St. George* shall hereafter make the Boundaries, as the *Engliſh* had heretofore pretended to it."

XXXVII. In a Paper annexed to the said Mr. *St. John's* Letter to Monsf. *de Torcy*, dated the 10th of *Sept.* 1712, which contains the Offers of *France* to *England*, the Demands for *England*, and the King's Answer, it is again repeated, "That
" his

Acadia. “ his Majesty the King of *France*, offered to leave the Fortifications of *Placentia* as they were when he should yield that Place to *England*, to agree to the Demand made of the Guns of *Hudson’s Bay*; moreover to yield the Islands of St. *Martin* and of St. *Bartolomew*, to give up the Right of fishing and drying Cod upon the Coast of *Newfoundland*, if the *English* would give him back *Acadia*, in consideration of these new Cessions, which are proposed as an Equivalent.”

XXXVIII. “ In which Case His Majesty would consent that the River of St. *George* should be the Limits of *Acadia*.”

XXXIX. It results from these Negotiations, as well as from the Alternatives proposed by the Ambassador of *France*, in the Year 1700; that the Court of *France* judged, that they had a Right to extend the Western Limits of *Acadia* as far as the River of *Kennebecqui*, and that the restraining them to the River of St. *George*, was in some Degree a Departure from this Right. These Declarations of the Crown of *France*, with respect to the Limits of *Acadia*, at the very Time of making the Treaty, by which that Country was to be ceded to *Great-Britain*, afford the justest Rule for the Construction of the Words of that Treaty, and seem to leave no Room for a Dispute as to the Western Limits, which we have in our Memorial assigned to *Acadia*, the River *Pentagoet* being to the Eastward of the River of St. *George*.

XL. Having now, by a regular Series of Evidence, which from the Nature of it can admit of no Dispute in Point of Authority, fully proved that the Crown of *France*, whenever it has been in Possession of *Acadia*, has claimed and possessed as such, all that Territory comprehended within the Limits which we have set forth in our Memorial of the 21st of *September*,

we

we might here safely rest His Majesty's Claim ; but that this Claim may appear in a still clearer and stronger Light, we shall proceed to ascertain what is meant by *Nova Scotia*, and to explain the Design and Effect of inserting it in the Treaty.

XLI. King *James* the first of *England*, by Letters Patent, dated the 10th of *Sept.* 1621, granted to Sir *William Alexander*, (afterwards Earl of *Sterling*,) his Heirs and Assigns, “Omnes
“ & singulas terras, continentes ac insulas, situatas & jacentes in
“ Americâ, juxta caput seu promontorium communiter Cape de
“ Sable appellatum, jacens propè latitudinem quadraginta trium
“ graduum aut eo circa ab æquinoctiali linea versus septentrio-
“ nem, à quo promontorio, versus littus maris tendens, ad occi-
“ dentem, ad stationem navium Sanctæ Mariæ vulgò Saint-
“ Mary's Bay ; & deinceps versus septentrionem, per directam
“ lineam introitum sive ostium magnæ illius stationis navium
“ transient, quæ excurrit in terræ orientalem plagam inter regio-
“ nes Suriquorum, & Stechiminorum, vulgò Suriquois & Et-
“ chemins, ad fluvium vulgò Sanctæ Crucis appellatum, & ad
“ scaturiginem remotissimam sive fontem ex occidentali parte
“ ejusdem, qui se primum prædicto fluvio immiscet ; undè per
“ imaginariam directam lineam quæ pergere per terram seu cur-
“ rere versus septentrionem concipietur, ad proximam navium
“ stationem, in fluvium vel scaturiginem in magno fluvio de Ca-
“ nada sese exonerantem, & ab eo pergendo versus orientem per
“ maris oras littorales ejusdem fluvii de Canada, ad fluvium
“ stationem navium, portum aut littus communiter nomine de
“ Gathepe vel Gaspié notum & appellatum ; & deinceps, versus
“ Euronotum, ad insulas Bacalaos, vel Cape-Bretoun vocatas,
“ relinquendo easdem insulas à dextrâ, & voraginem dicti fluvii
“ de Canada, sive magnæ stationis navium, & terras de New-
“ found-

Acadia. “foundland, cum insulis ad easdem terras pertinentibus à finistrâ ; & deinceps, ad caput sive promontorium de Cape-Bretoun prædictum jacens propè latitudinem quadraginta quinque graduum aut eo circa ; & ab dicto promontorio de Cape-Bretoun, versus meridiem & occidentem, ad prædictum Cape-Sable, ubi inceptit perambulatio ; includendo & comprehendendo intra dictas maris oras littorales ac earum circumferentias, à mari ad mare, omnes terras continentes cum fluminibus, torrentibus, sinibus littoribus insulis aut maribus jacentibus prope aut infra sex leucas ad aliquam earundem partem, ex occidentali, boreali vel orientali partibus orarum littoralium & precinctum earundem, & ab Euronoto ubi jacet Cape-Bretoun, & ex australi parte ejusdem (ubi est Cape de Sable,) omnia maria & insulas versus meridiem, intra quadraginta leucas dictarum orarum littoralium earundem, magnam insulam vulgariter appellatam Isle de Sable, vel Sablone includendo, & jacens versus Carbane, vulgò South-east, circa triginta leucas à dicto Cape-Bretoun in mare, & existens in latitudine quadraginta quatuor graduum aut eo circa ; quæ quidem terræ prædictæ omni tempore à futuro, nomine Novæ-Scotiæ in Americâ gaudebunt.”

XLII. This Grant to Sir *William Alexander*, was confirmed by a Patent from King *Charles I.* dated the 12th of *July 1625*, which Patent marks out the same Limits.

XLIII. In Consequence of these Grants, Sir *William Alexander* took Possession of this Country, made a Settlement at *Port-Royal*, and built a Fort there ; and having given Leave to *Claude de la Tour*, and his eldest Son *Charles*, to improve Lands, and build within the said Territory for their own Advantage ; in Consequence whereof they made a Settlement, and built a strong Fort upon *St. John's River*, called *Fort la Tour* : In the Year 1630, in Consideration of their great Expences, and the Services

Services done by them in promoting Settlements within that Country, he conveyed by Deed to the said *Claude de la Tour* and his Son, and their Heirs for ever, all his Right in *Nova Scotia*, excepting *Port-Royal*, to be held under the Crown of *Scotland*. *Acadia.*

XLIV. There is Reason to believe, that previous to the Treaty of *St Germain*, his Most Christian Majesty agreed, that the *Sieur de la Tour* should enjoy all the Rights and Possessions in *Nova Scotia*, which had been conveyed to him by Sir *William Alexander*; and the Commission above-mention'd under the Sign Manual of *Lewis XIV*, in 1651, by which *Etienne de la Tour*, surviving Son of *Claude de la Tour*, was appointed Governor of all *Acadia*, confirms to him all his Possessions in that Country in the following Words: “Voulons & entendons que
“le dit *Sieur de Saint-Etienne* se réserve & approprie & jouisse
“pleinement & paisiblement de toutes les terres à lui ci-devant
“concedées, & d'icelles en donner & départir telle parte qu'il
“advise tant à nosdits sujets, qui se habitueront qu'aux dits originaux, ainsi qu'il jugera bon être.”

XLV. These Grants to Sir *William Alexander*, to which the Crown of *France* itself has given a Sanction, by the Confirmation of *la Tour's* Possession under them, assign the same Limits to *Nova Scotia*, which we have set forth in our Memorial of the 21st of *Sept.* excepting the Island of *Cape-Breton*, and the other Islands excepted in the 13th Article of the Treaty of *Utrecht*, and excepting also that the Limits of the said Country to the Westward, specified in the said Grants, terminate at the River *St. Croix*.

XLVI. And we must observe, that the Limits could not be farther extended on that Side by these Letters Patent; because all the Country to the Westward of the River *St. Croix*, had,

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in the Year 1620, before the Date of the first of them, been granted by King *James* to certain of his Subjects, by the Name of the Council of *Plymouth*, of which Grantees, Sir *William Alexander* was one, and who, by Virtue of an Agreement among the said Grantees, possessed the Country lying between the River *St. Croix* and *Pemaquid*, a little to the Westward of *Pentagoet*.

XLVII. Hence the Name of *Nova Scotia*, which first took its Rise from the Letters Patent of King *James I.* to Sir *William Alexander*, soon communicated itself to the whole Country of *Acadia*, which from that Time frequently passed under both the Names of *Acadia* or *Nova Scotia*, as appears from the following Proofs.

XLVIII. In the afore-mentioned Warrant of *Oliver Cromwell* to Capt. *Leverett* in 1656, the Forts of *Pentagoet*, *St. John's*, and *Port-Royal*, are mentioned to be in *Acadia*, commonly called *Nova Scotia*; and Sir *Thomas Temple's* Distinction, however groundless, was founded upon this Pretence, that *Pentagoet*, *St. John's*, and *Port-Royal*, were in *Nova Scotia*, bordering upon *New-England*; from whence it is evident, that the whole Country as far as *Pentagoet*, was then notoriously called *Nova Scotia*.

XLIX. Altho' the *French* have not frequently called this Country by the Name of *Nova Scotia*, which name was originally given to it by the *English*, yet we must observe, that the Ambassador of *France*, in his above-mentioned Memorial presented to the King of *Great-Britain* in 1685, sets forth, that the Coasts of *Acadia* or *Nova Scotia*, extend from the Island of *Persee* to *St. George's Island*; and in the very Act of Cession made of this Country, by *Lewis XIV.* in Consequence of the Treaty of *Utrecht*, it is called, *Nouvelle Ecosse, autrement dite l'Acadie*.

L. These

L. These Facts are a full Answer to the Pretence of the Commissaries of his Most Christian Majesty, that *Nova Scotia* is *un Mot en Air*, and we are at a Loss to guess upon what Foundation they could entertain such a Notion, when we consider, that the Name of *Nova Scotia* had received a Sanction from so solemn an Act of both Crowns, *Nova Scotia* being not only mentioned jointly with *Acadia*, in that Part of the 12th Article of the Treaty of *Utrecht*, where that Country is ceded to *Great-Britain*, but also in the latter Part of that Article, where the Subjects of his Most Christian Majesty are prohibited from fishing within a certain Distance of the Coasts; they are termed the Coasts of *Nova Scotia* only, without the Addition of *Acadia*.

LI. In Answer to their Argument, that if *Nova Scotia* must be understood to denote some Territory or Country ceded to *Great-Britain* by the said Treaty; in that Case, two different Territories must be understood, and one of them only was ceded to *Great-Britain* by the Terms of the Treaty, we must observe,

LII. 1st, That we have clearly proved, that tho' the Grant to Sir *William Alexander*, which first gave the Name of *Nova Scotia*, extended no further Westward than the River *St. Croix*, for the Reasons above-mentioned, yet that the Name of *Nova Scotia* was communicated to the whole Country of *Acadia*.

LIII. 2dly, That the disjunctive Term *Nova Scotia sive Acadia* in the Treaty, is clearly explained by the above-mentioned Description in the Act of Cession, viz. *la Nouvelle Ecosse, autrement dite l'Acadie*.

LIV. 3dly, As in the Negotiation preceding the Treaty of *Utrecht*, the Court of *Great-Britain* had demanded this Coun-

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try by the Name of *Nova Scotia*, and the Court of *France* had in their Papers called it by the Name of *Acadia*, tho' they both meant the same Territory; and as it had in Effect been called sometimes by one, and sometimes by the other, and often by both Names, which we have fully made appear, in order to prevent all Disputes and Cavils, it was agreed to insert in the Treaty both the Names of *Nova Scotia* and *Acadia*; and therefore by the said Treaty, all the Territory which had ever been called either by the one Name or the other, was ceded to *Great-Britain*.

LV. The Words of the 12th Article of the Treaty of *Utrecht*, which are descriptive of the Country thereby ceded to *Great-Britain*, viz. "*Novam Scotiam sive Acadiam totam limitibus suis antiquis comprehensam ut & portus regii Urbem nunc Annapolin Regiam dictam ceteraque omnia in istis regionibus quæ ab iisdem terris & insulis pendent,*" are penned with so much Care, and express so fully and so clearly the Sense of the contracting Parties, that they seem to be calculated on Purpose to guard against the present Dispute. The two Crowns had in View the Transactions which had passed, in Consequence of the Treaty of *Breda*, and therefore the Word *Totam* is here added to prevent the same Distinction which had been then attempted, or any other which might be made to restrain the Territory of *Acadia*. The Word *Totam* is strengthened by the subsequent Words *limitibus suis antiquis comprehensam*, which shew, that *Acadia* was ceded by this Treaty, with the same Limits with which it had been ceded to *France*, in Consequence of the Treaty of *Breda*; for these were the ancient Limits, *Acadia* being ceded to *France* by that Treaty, as *France* had enjoyed it before; and King *Charles*, in his Order for the Execution of the said Treaty, expressly directing Sir *Thomas Temple* his Governor, to restore, or cause to be restored

to the Most Christian King, or to such as he should thereto appoint, under the Great Seal of *France, the said Country of Acadia, which did formerly belong to the said King, as namely, the Ports and Habitations of Pentagoet, St. John, Port-Royal, la Have, and Cape-Sable, which his Subjects enjoyed under his Authority, until the English possessed themselves of them in the Years 1654, and 1655.*

LVI. If this Country had been mention'd only by the Name of *Acadia* in this Treaty, as in the Treaty of *Breda*, *Great-Britain* would undoubtedly have had a Right by this Treaty to the same *Acadia* which the Crown of *France* possessed in Consequence of the Treaty of *Breda*; and every additional Word in the afore-mentioned Article of the Treaty of *Utrecht*, gives an additional Strength to that Right.

LVII. We have proved by a Series of incontestible Evidence the Limits of *Acadia*, as claimed and possessed by *France*, before and after the Treaty of *Breda*; and we have also shewn what, in the Course of the Negotiations, both Crowns considered as the Limits of *Acadia* or *Nova Scotia*, and consequently had in View when they concluded the Treaty.

LVIII. The Crown of *Great-Britain*, in Consequence of this Cession, has always insisted on its Right to *Nova Scotia* or *Acadia*, with its ancient Limits. This Right has been again confirmed by the 9th Article of the Treaty lately concluded at *Aix la Chapelle*, which, after fixing the Times in which the particular Restitutions therein referred to, are to be made in the *East* and *West-Indies*, stipulates, "That all Things besides shall be established on the Foot they were or ought to have been before the War." And should the Crown of *France* now contest with *Great-Britain*, those Limits with which itself possessed
Acadia,

Acadia. *Acadia*, it would be to contradict her own Claims and Pretensions which she has in the strongest Manner, and by the most solemn Acts, asserted from Time to Time, for a long Course of Years, and, in one Word, to contend that Treaties and Agreements concluded between that Crown and *Great-Britain*, shall be binding upon *Great-Britain*, while they operate in the Favour of *France*, and that their Obligation shall cease with regard to *France*, when *Great-Britain* claims the Benefit of them.

LIX. As to the Country situated between the Rivers *Penobscot* and *Kennibek*, bounded to the Northward by the River *St. Laurence*, the Crown of *Great-Britain* has always asserted its ancient Right to that Country, as Part of *New-England*, which Right we shall be able to prove whenever it shall become necessary; but it may suffice at present to make the following Observations, which result from the Evidence already stated, with regard to the Limits of *Acadia* or *Nova Scotia*, and which of themselves seem conclusive against any Claim on the Part of *France*, to the Country lying between the Rivers *Penobscot* and *Kennibek*.

LX. 1st, It appears from the Commission of Chevalier *d'Aulnay*, in 1647, which extends the Western Limits of his Government as far as the *Virgines*, viz. that Part of the *English* Possessions which was then known by the Name of *North Virginia*, and is now called *New-England*, that it was understood by the Crown of *France*, that *Acadia* bounded upon the *English* Territories.

LXI. This is likewise evident from a Passage in *Monf. d'Estades's* afore-mentioned Letter to his Most Christian Majesty, dated the 13th of *March* 1662, wherein he says, "En l'année

" 1649;

“ 1649, sous le feu Roi d’Angleterre Charles, le Chevalier Alexander Sterlin fut attaquer l’Acadie, prit les Forts de Pentagoet, Sainte-Croix & Port-royal, prit ensuite Quebec & tout ce que nous tenions dans l’Amerique; & par la Paix qui fut faite entre les deux Rois, en 1682, la Restitution fut faite depuis Quebec jusqu’à la rivière de Noremberg, où le Fort de Pentagoet est construit, qui est la première place de l’Acadie.” From whence it appears, that *Pentagoet* was the utmost Extent of the French Limits in *North America* to the Westward, or in Mons. d’Esstrades’s Words, “ De tout ce que les François tenoient dans l’Amerique,” and consequently the *English* Territory, which bounded upon the *French*, must extend as far Eastward as *Pentagoet*, which being the first Place in *Acadia*, it incontestibly follows, that *Acadia* bounds upon the *English* Territories.

LXII. 2dly, That it appears fully from the Evidence above-stated, that whenever the Crown of *France* claimed the Country lying between the Rivers *Penobscot* and *Kennibeck*, that Crown claimed it only as Part of *Acadia*, and upon no other Pretensions whatsoever, and consequently in that View, if that Claim had been well founded, which it was not, the Right of the Crown of *France* to that Country was transferred to *Great-Britain* by the Treaty of *Utrecht*, whereby *France* cedes “ *Acadium totam limitibus suis antiquis comprehensam, ut & Portus-Regii urbem, nunc Annapolim-Regiam dictam, cæteraque omnia in istis regionibus, quæ ab iisdem terris & insulis pendent, unà cum earundarum insularum, terrarum, & locorum dominio, proprietate, possessione & quocumque jure, sive per pacta, sive alio modo quæsito quod Rex Christianissimus, Corona Galliæ, aut ejusdem subditi quicunque ad dictas insulas, terras & loca hæcenus habuerunt, Regiæ Magnæ Britanniæ ejusdemque Coronæ, &c.*”

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LXIII. We have now justified every Part of our Memorial of the 21st of *Sept.* and therefore nothing further remains to be done after the uniform Series of conclusive Evidence, which we have urged in Support of his Majesty's Right to *Acadia*, or *Nova Scotia*, with those which we have proved to be the ancient Limits of it; but to reply to the Observations and Reasoning contained in the Memorial of the Commissaries of the Crown of *France*, and one presented by the *Sieur Durand*, to the Court of *Great-Britain*, on the 7th of *June* 1749.

LXIV. In the Memorial of the Commissaries of the 21st of *Sept.* their first Argument is this, " Par le Traité d'Utrecht, le Roy cede à l'Angleterre l'Acadie en entier, conformément à ses anciennes limites, comme aussi Port-Royal ou Annapolis;" and it results from their Words, " Qu' Annapolis n'étoit pas comprise dans les anciennes limites, ce qui est conforme d'ailleurs aux plus anciennes descriptions du pais, & par conséquent l'Acadie en renferme qu'une partie de la Peninsule de ce nom."

LXV. This Construction is founded upon these Words in the Treaty, " Ut & Portus-Regii Urbem nunc Annapolin dictam," from which the Commissaries argue, that the Manner of specifying *Annapolis*, and mentioning it separately, shews it to have been then not considered or ceded as a Part of *Acadia* or *Nova Scotia*: We cannot think that there is any Uncertainty in this Article of the Treaty, and if the whole Sentence be taken together, the Words themselves will not admit of the Construction which is contended for by the *French* Commissaries, who have varied and restrained the natural Meaning and Force of the Sentence, by leaving out the Words, " cæteraque omnia quæ ab iisdem terris & insulis pendent," which follow immediately after the Cession of *Annapolis*, and undeniably demonstrate that *Annapolis*

napolis should be considered, and was by the Treaty ceded as a Dependant on *Nova Scotia* or *Acadia*. The Difficulty which has been raised will be easily removed, if we follow the established Rules of Interpretation; for when any particular Expressions in a Treaty upon a future Occasion appear doubtful to any of the Powers interested in the Execution of it, that is always to be received as the only fair and candid Interpretation of them, which best agrees with the Intention of the contracting Parties at the Time of making the Treaty, and which is allowed to be the genuine Sense and Effect of the whole taken together; the Intention of the Parties appears evidently, from the Limits they had in View during the Negotiation preceding the Treaty; we have proved by undeniable Evidence, what were the ancient limits therein referred to, and that to construe this Article in the Manner the *French* Commissaries argue for, would be to set the several Provisions of it at Variance, and destroy by one Part the Effect of the other; for where will be the consistent Sense of this Article, if it be construed by some Words to cede *Nova Scotia* or all *Acadia*, with its ancient Boundaries, within which we have proved *Annapolis* to have been ever comprehended, and by the very next, to prescribe new Boundaries to *Acadia*, and make *Annapolis* distinct from it, by making it a distinct Cession.

LXVI. It is not at all unusual in Treaties making a general Cession of any Country, or a whole Province, to specify the Forts in it, or Towns of particular Eminence, and yet there is not any one Instance in Cases where this Method of Expression has been taken, of a Construction having been proposed like that which the Commissaries of the Court of *France* are now contending for. In the third Article of the Treaty of *St. Germain* in 1632, it is stipulated that, “ tous les lieux occupées

*Memorial of the English Commissioners.**Acadia.*

“ en Nouvelle France, l'Acadie & Canada par les sujêts de sa Majesté de la Grande-Bretagne,” shall be restored to *France*: Would the Crown of *France* have thought it a candid and ingenuous Construction of these Words, if it had been inferred from the Specification of *Canada*, after the general Cession of *New France*, that *Canada* was not a Part of *New France*? And yet the Argument for distinguishing *Canada* as a separate District from *New France*, upon the Enumeration in the Treaty of St. Germain, has a good Foundation, and as much Equity in it, as the Reasoning of the *French* Commissioners for the Exclusion of *Annapolis* from the Country of *Nova Scotia* or *Acadia*, upon the Words of the Treaty of *Utrecht*.

LXVII. It was insisted by the *French* Ambassador, that in the Orders of King *Charles II.* for the Delivery of *Acadia* to his Most Christian Majesty's Commissioners, in Consequence of the Treaty of *Breda*, the Forts of *Pentagoet*, St. *John's*, *Port-Royal*, and *la Have*, should be expressly named. Her late Majesty Queen *Anne*, in her Instructions above-mentioned, to her Plenipotentiaries for negotiating the Treaty of *Utrecht*, directs them to demand that his Most Christian Majesty should quit all Claim or Title, by Virtue of any former Treaty, or otherwise, to the Country called *Nova-Scotia* and expressly to *Port-Royal*, otherways *Annapolis-Royal*, then the only remaining Fort in that Country. This Fort having been specified in this Treaty, in Consequence of these Orders, the Commissioners of *Great-Britain* cannot but express some Surprise, that an Argument should have been thus drawn for abridging the Cession of *Nova Scotia* or *Acadia*, by the Treaty of *Utrecht*, from the Words proposed on the Part of *Great-Britain* herself; and surely when it is allowed, as it is by the *French* Commissioners, that *France* meant to cede all *Acadia* or *Nova Scotia*, to the Crown of *England*, with its
ancient

ancient Boundaries, which we have now ascertained from the Possession of *France* herself, it cannot be seriously thought, that *Great-Britain* intended to restrain those Limits.

LXVIII. We cannot finish our Answer to this Part of the Memorial without observing, that this Criticism on the Words of the Treaty, is made by *Pere Charlevoix*, in his History of *New France*, who from thence argues, as the Commissioners of his Most Christian Majesty have done, that *Acadia* does not comprehend even the whole *Peninsula*; but, such is the Force of Truth! That this same Historian, in other Parts of that History, mentions *Port-Royal* as Part of *Acadia*, states the Commissions of the *French* Governors who took Possession of *Acadia* after the Treaties of *St. Germain* and *Breda*, as describing the Limits of that Country to extend from *Kennebeck* to the River *St. Laurence*, confirms the Disavowal of Sir *Thomas Temple*'s Distinction by *Great-Britain* at the Instance of *France*, declares that all the Country from *Pentagoet* to *Cape-Breton* was assured to *France*, in Consequence of the Treaty of *Breda*, and in a great many Parts of his History, takes Notice of *Pentagoet*, as being within the Limits of *Acadia*.

LXIX. To the last Head of the Memorial of the *French* Commissioners, which says, “ que les limites entre la Nouvelle France & la Nouvelle Angleterre n'ont dû subir aucun changement, & doivent être aujourd'hui telles qu'elles étoient avant le Traité d'Utrecht, qui n'a rien changé à cet égard.”

LXX. We answer, that we agree, that the Treaty of *Utrecht* made no Alteration in the ancient Limits of *Nova Scotia* or *Acadia*, but on the contrary confirmed them; and we have shewn by the whole Tenor of our Evidence, what were those

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ancient Limits; the Limits the King of *Great-Britain* now claims, are those ancient Limits referred to by the Treaty of *Utrecht*, and thereby his Majesty maintains the just Operation both of the Spirit, and the Letter of the said Treaty; and, as ~~far as~~ on his Majesty depends, disclaims and effectually prevents all Innovation. With respect to the Boundaries of any other Dominions belonging to the two Crowns in *America*, it is sufficient for us now to say, that the present Discussion is confined singly to the Limits of *Acadia* or *Nova-Scotia*; but should any Difference of Opinion hereafter arise in deciding what are the Limits of any other of his Majesty's Territories in *North America*, our Master, the King of *Great-Britain*, desirous on the one Hand, in no Instance to break in upon the Rights of his Neighbours, will on the other, be found ready to assert and vindicate his own.

LXXI. The *Sieur Durand*, in his Memorial allows, that the 12th Article of the Treaty of *Utrecht*, cedes to *Great-Britain Acadia*, conformable to its ancient Limits, and that the Rights resulting to *Great-Britain*, are to be determined by those Limits; and then he goes on to say, “ Or quelles sont les anciennes limites de l’Acadie? Toute les Histoires, qui ont Traité de ce païs-la, & les Cartes faites chez toutes les Nations dans les tems non suspects les firent bien precisement d’après la position naturelle aux terres, qui composent cette Peninsule triangulaire, qui s’étend depuis la mer entre le passage de Can- ceaux & l’entrée de la Baye Françoisé, jusqu’à ce petit isthme qui separe le fonde de cette Baye de la Baye verte dans le Golphe.”

LXXII. As to the Opinion of Historians upon this Point, his Majesty's Commissioners will be able to judge of their Authority when they are produced; in the mean Time they must observe, that

that most Histories of those remote and uncivilized Countries are founded upon very slight and inadequate Information, and are oftner the Product of Imagination, than the Representation of Truth. We have produced the Authority of one *French* Historian, viz. *Monf. d'Esfrades*, who being the Minister of the Crown of *France*, employed at the Court of *Great-Britain*, to demand the Restitution of *Acadia*, his Negotiation led him to make the most accurate Enquiry into the Limits of this Country; and it must be presumed, that he was furnished with the best Lights, and therefore his Testimony in Confirmation of the Limits of *Acadia* or *Nova Scotia*, claimed by his *Britannick* Majesty, must have the greatest Weight; but what History can be produced which will be a sufficient Confutation of that Chain of convincing Evidence we have stated, in Support of his Majesty's Claim? That Evidence consists of Acts of State duly authenticated, of the Commissions to Governors, Memorials of Ambassadors, and original Grants, proves the Judgment passed by both Crowns upon the Limits of *Acadia*, in Consequence of the Treaty of *Breda*, and demonstrably shews the Sense of the Crown of *France*, with Respect to those Limits, not only in the Alternative proposed in 1700, but also in the Negotiations immediately preceding the Treaty of *Utrecht*. As these are the best Materials out of which any History can be compiled, they may be properly said to form a complete historical Narrative of the Transactions relative to the ancient Limits of *Nova Scotia* or *Acadia*.

LXXIII. As to Charts which are appeal'd to in the *Sieur Durand's* Memorial, those of the best Authority are against *France* in this Point. The Maps we shall produce are four *French* ones, which, tho' they don't carry the Bounds of *Acadia* or *Nova Scotia*,

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Scotsa, as far Northward as *St. Laurence's River*, yet extend its Limits as far as *Pentagoet*, on the Westward Side of the Bay of *Fundy*, and much beyond the *Isthmus*, above the Head of it, which is sufficient to confute the Observation made in the *French Memorial*, that “ *Les Cartes faites chez toutes les Nations dans des tems non suspects,*” have confined the Limits of *Acadia* to the *Peninsula*.

LXXIV. The two first publish'd are *Monf. de l'Isle's Carte de l'Amerique septentrionale & Carte du Canada, ou de la Nouvelle France*, one in the Year 1700, and the other in the Year 1703, both which extend the Limits of *Nova Scotia* or *Acadia*, on both sides of the Bay of *Fundy*, as far Westward as the River of *Pentagoet*, upon which the first of the said Charts likewise bounds *New England*, and both of them confine the Bounds of *New France*, on the Northern Side of the River *St. Laurence*. The next is the Chart of the *Sieur Bellin*, published in 1744, in which the Limits of *Acadia*, under the Name of *Nova Scotia*, are marked to extend as far Westward as the River *Penobscot*, or *Pentagoet*, to which River likewise the Eastern Bounds of *New England* are there made to extend; and the Bounds of *Acadia*, under the Name of *Nova Scotia*, are carried across the Continent many Leagues Northward of the *Isthmus*, to the Gulph of *St. Laurence*, as high as the opposite Northernmost Point of the Island of *St. John*, and no Part of *New France* or *Canada*, is mark'd on the Southern Side of the River *St. Laurence*. The other is, *la Carte de l'Amerique septentrionale* of the *Sieur d'Arville*, published in 1746, wherein the Limits of *Acadia* are extended as far Westward as the said River *Penobscot*, (upon which likewise *New England* is there mark'd to bound Eastward) and are carried
across

across the Continent to the Gulf of St. *Laurence*, several Leagues to the Northward of the *Isthmus*; and *Canada* (which is used for a synonymous Term with *New France*, by the Sieurs de l'*Isle & Bellin*) is almost wholly confined to the Northern Side of the River St. *Laurence*. It appears, that Monf. de l'*Isle*'s first mentioned Chart, was one particularly corrected by himself, and formed upon the Observations of the Royal Academy of Sciences, of which he was a Member when he published the latter, and the King's first Geographer. That Monf. *Bellin*'s Chart, was with other Plans, composed by special Directions from the Marine of *France*; and he makes this Remark in it, "Cette Charte est extrêmement différente de tout ce qui a paru jusqu'ici; je dois ces connoissances aux divers manuscrits du depot des Cartes, Plans & Journaux de la Marine & aux Memoire que les R. R. P. P. Jesuites Missionnaires de ce pais m'ont communiques." And the Carte du Sieur d'*Anville*, was published *avec Privilege*.

LXXV. We might proceed to shew, that the Limits of the Territories claim'd by them in their first Memorial, *viz*, from Cape *Roziers* to the River *Kennibek*, extend as far Northward as the River St. *Laurence*, from *English* Maps, which, being publish'd between the Years 1650 and 1700, and when the *French* were in Possession of *Nova Scotia* or *Acadia*, are stronger Evidence on Account of their being *English*: But for these, and the Map of *Nicolas Visscher*, entitled, "Carte nouvelle contenant la partie d'Amerique la plus septentrionale," published in *Holland* within the same Time, *avec privilege des Etats Généraux*, which marks the Limits in the same manner, there is no Occasion to cite them after the Proofs of an higher Nature already produced, and Maps are appeal'd to by us only in answer to the Assertion, that Charts

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of all Nations confine the Limits of *Acadia* or *Nova Scotia* precisely to the *Peninsula*; for Maps are from the Nature of them a very slight Evidence, Geographers often lay them down upon incorrect Surveys, copying the Mistakes of one another; and if the Surveys be correct, the Maps taken from them, tho' they may shew the true Position of a Country, the Situation of Islands and Towns, and the Course of Rivers, yet can never determine the Limits of a Territory, which depend entirely upon authentic Proof; and the Proofs in that Case, upon which the Maps should be founded to give them any Weight, would be themselves a better Evidence, and therefore ought to be produced in a Dispute of this Nature, in which the Rights of Kingdoms are concern'd.

LXXVI. But we must conclude, that in this particular Case, Histories as well as Maps, are most uncertain Guides, since we find that the *Sieur Durand* in his, and the Commissaries in their Memorial, do not assign the same Limits to *Acadia*, the former allowing it to comprehend the whole *Peninsula*, and the latter only a small Part of it: Can the same Maps and the same Histories, assign Boundaries to *Acadia* so very different? The *Sieur Durand* confirms the Evidence of the Maps by the natural Position of the Country, which forms a triangular *Peninsula*; as if the Rights of the Crown of *Great-Britain* were to be affected by the accidental Form and Figure of the Country. But how can it be concluded from hence, that a *Peninsula*, because it is a *Peninsula*, cannot belong to the Proprietor of the Continent to which it adjoins? If *France* will be determined by the Boundary Nature has apparently fix'd between this Country and *New France*, the River *St. Laurence* is the most natural as well as the true Boundary; and was ever insisted upon as such by *France* herself, till the Treaty of *Utrecht*.

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LXXVII. All the *Sieur Durand's* Evidence taken from Histories, Maps, or the Position of the Country, so far as it goes, furnishes us with an Answer to the Memorial of the *French Commissaries*, who allow that *Acadia* includes only a very small Part of the *Peninsula*, (for they profess to exclude the Districts of *Minas* and *Chignecto* from it) and bound it by an imaginary Line drawn thro' the *Peninsula*, which they have not describ'd.

LXXVIII. It is farther alledged in the Memorial of the *Sieur Durand*, that “ Les terres qui vont depuis la Baye Verte jusqu'à la rive Méridionale du fleuve, ont été occupées depuis, comme avant le Traité d'Utrecht, par les François: dans tous les temps, elles ont été regardées comme faisant partie de la Nouvelle France: Cette Colonie a toujours en ses possessions des deux côtés de fleuve, & il y a des seigneuries établies au sud comme au nord.”

LXXIX. “ Il en est de même des terres qui règnent de l'autre côté de l'Isthme de l'Acadie, c'est-à-dire, depuis la Baye-Françoise jusqu'aux frontières de la Nouvelle Angleterre: Ces terres, comme les autres, ont toujours faites partie de la Nouvelle France.”

LXXX. If any of his Most Christian Majesty's Subjects were settled before the Treaty of *Utrecht*, within those which we have proved to be the ancient Limits of *Nova Scotia* or *Acadia*, and are therefore the just Limits of that Country as now possessed by *Great-Britain*, and such Subjects did not take the Benefit of the Conditions of the 14th Article of the said Treaty, whereby they had Liberty to remove themselves within a Year, as they shall think fit, with all their moveable Effects, they, from the Expiration of one Year after the Ratification of the Treaty of *Utrecht*, became Subjects of the Crown of *Great-Britain*, by the 12th

Acadia. Article of the said Treaty, whereby his Most Christian Majesty cedes the Inhabitants as well as Lands of *Acadia* to the Crown of *Great-Britain*; and therefore such Inhabitants of the District mention'd in the Memorial, are now in the same Condition as the other *French* Inhabitants of *Acadia* or *Nova Scotia*. If any *French* Settlements have been made since the Treaty of *Utrecht*, they have been made to the Prejudice of the Rights of the Crown of *Great-Britain*; nor can any Argument be drawn in Opposition to that Right from such Usurpations. To justify the Settlements, by proving them not to be situated within the ancient Limits of *Acadia*, would be a more conclusive Way of Reasoning, than to endeavour to restrain the Limits upon the Authority of these Settlements made by Usurpation; for the Limits ought to determine the Right of the Settlements, and not the Settlements regulate the Limits.

LXXXI. Another Argument in the *Sieur Durand's* Memorial for excluding that Part of the Continent which lies between the *Isthmus* and the River of *Canada*, from being Part of *Acadia*, is drawn from the Reservation of the Islands situated in the Mouth of the River, and in the Gulph of *St. Laurence*, to *France*, in the 13th Article of the Treaty of *Utrecht*, whereby the Island of *Cape-Breton* is also reserved: But this upon Examination will be found to conclude against *France's* Pretensions; for no other Reason can be assign'd for *France's* reserving them and *Cape-Breton* in that Treaty, than that they were Part of or dependent upon *Acadia* or *Nova Scotia*, and would otherwise have passed to *Great-Britain* by the Cession of it in the 12th Article. If they were not dependent upon *Acadia*, there was no Danger of *Great-Britain's* acquiring a Right to them by the Cession of *Acadia*, and consequently not the least Occasion for reserving them

them to *France* by that Treaty. And the said Commissioners would here particularly observe, that if Islands lying in the Mouth of the River *St. Laurence* and in the Gulph, are within the Limits of *Acadia*; it is a strong Argument that the Coast opposite to them, extending from the Mouth of the River to the *Isthmus*, is likewise Part of *Acadia* (conformable to the Bounds given it in the Commissions of the before-mention'd *French* Governors and Memorials of Ambassadors) as well as that Part of the Coast below it, which extends from *Baye-Verte* to the Passage of *Canceaux*, and is allowed in the Memorial to be within the Limits.

LXXXII. Upon the Restriction of the Limits of *Acadia* to the *Peninsula*, the said Commissioners further observe, that *Great-Britain* must understand that something more was ceded to her by the Treaty of *Utrecht* than the *Peninsula*, from her insisting upon its being ceded by the Terms of *Novam Scotiam sive Acadiam totam limitibus suis antiquis comprehensam*; &c. and particularly that *France* should make a Cession of all the Rights she acquir'd to it by Treaty, which incontestably shews, that *Great-Britain* insisted upon its being yielded to her in as large an Extent as it had been given to *France* or *England*, in Consequence of the Treaty of *Breda*. And doubtless, if *France* had understood and intended otherwise, and that nothing more should be yielded to *Great-Britain* than the *Peninsula*, she would not have consented to make the Cession in Terms of such Latitude, but would have expressly ceded it by the Name of *la presqu' isle de l'Acadie*, especially as the most extensive Limits of *Nova Scotia* or *Acadia* had been under the Consideration of the contracting Parties during the Negotiation of the Treaty.

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LXXXIII. The said Commissaries farther observe, that his Most Christian Majesty's Commissaries do not declare in their Memorial what they allow to be the Extent of *Acadia* or *Nova Scotia*, which they seem in Terms to confine within the *Peninsula*, but do not describe any particular Limits; they expressly excluded *Annapolis* from being Part of it, and consequently the Districts of *Minas* and *Schiegneeto*. Where is then that *Acadia* to be now found which *Monf. d'Estrades*, in his Letter to *Lewis XIV*, dated the 27th of *Feb.* 1662, tells his Majesty, "Votre Majesté peut faire un Royaume considerable d'un pays qui n'a pas été connu jusqu'à cette heure."

LXXXIV. As the Possession of *Nova Scotia* or *Acadia*, with its ancient Limits, was finally determined to *Great-Britain* by the Execution of the Treaty of *Utrecht*; what were those ancient Limits is the only Matter now in Dispute; and as we have ascertained the Limits with which his Majesty claims *Acadia* or *Nova Scotia*, under that Treaty, and produced our Proofs of that Claim, it is equally incumbent on the Commissaries of the Court of *France*, particularly to set forth the Limits which the Court of *France* would assign as the true Limits of *Acadia* or *Nova Scotia*, and to produce their Proofs in Support of them.

Signed,

W. SHIRLEY, W. MILDMAY.

Paris, the 11th of *January*, 1751.



T H E
M E M O R I A L
O F T H E
French COMMISSARIES,

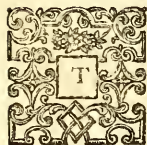
Of the 4th of *October*, 1751.

In Answer to the Memorials of His *Britannick* Majesty's Commissaries,

Dated the 21st of *September*, 1750, and the
11th of *January*, 1751,

Concerning *A C A D I A*.

I N T R O D U C T I O N.



THE Courts of *France* and *England*, after the last Treaty of *Aix-la-Chapelle*, being determined to nominate Commissaries for regulating the Limits of the Countries possessed by the two Crowns in *North America*; it has been imagined that in the Conferences to be held on this Occasion, nothing ought to be brought upon the Carpet but the Treaty of *Utrecht*, as
that

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that is the sole Title, by Virtue of which *England* at present possesses *Acadia*, according to its ancient Limits.

The XIIth and XIIIth Articles of that Treaty are so clear and express, that there was Reason to presume, that they would easily agree about those Points that might be attended with Difficulties; and that the only Object to be had in View, ought to be reduced to their taking their Measures in Concert, and adhering, both on the one Side and the other, to certain reciprocal Advantages, in order to endeavour to prevent every Subject of Trouble and Altercation, that might be prejudicial to the Peace, the Tranquillity and good Understanding, so desirable between neighbouring Nations, who possess Countries at such a Distance from their Sovereigns.

Thus persuaded, we were surprized at the first Representation made by the *English* Commissaries of their Pretensions, and still more so at the Manner in which they undertook to justify them. But before we enter upon the Subject of answering their Memorial, we think it necessary to begin with transcribing the two Articles of the Treaty of *Utrecht*, that comprehend the Cessions made by *France* to *England* of *Acadia*, and the Island of *Newfoundland*. As these Articles are a Law between the two Powers, we shall relate them entire both in *Latin* and *English*.

The

ARTICLE XII. Of the Treaty of *Utrecht*.

Dominus Rex Christianissimus eodem quo pacis presentis ratificationes commutabuntur die Domine Regine Magnae Britanniae litteras, tabulasve solennes & authenticas tradendas curabit, quarum vigore, insulam Sancti Christophori per subditos Britannicos sigillatim debinc possidendam: Novam Scotiam quoque sive Arcadium

The Most Christian King will cause to be delivered up to the Queen of *Great-Britain* the Exchange of the Ratifications of the present Treaty of Peace, with the authentick Letters and Acts which testify the Cession made for ever to the Queen and Crown of *Great-Britain*, of the Island of *St. Christopher*, which

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Acadium totam limitibus suis ANTI-
QUIS comprehensam, UT ET Portus-
Regii urbem, nunc Annapolim-Re-
giam dictam, cæteraque omnia in istis
regionibus, quæ ab iisdem terris & in-
sulis pendent, unâ cum earundem insu-
larum, terrarum & locorum dominio,
proprietary, possessione & quocumque jure,
sive per pacta, sive alio modo quæsito,
quod Rex Christianissimus, Corona Gal-
liæ, aut ejusdem subditi quicumque ad
dictas insulas, terras & loca, eorumque
incolas, hæcenus habuerunt, Reginæ
Magnæ Britanniæ ejusdemque Coronæ
in perpetuum cedi constabit & transferri,
prout eadem omnia nunc cedit ac trans-
fert Rex Christianissimus, idque tam
amplis modo & formâ ut Regis Christi-
anissimi subditis in dictis maribus, sinu-
bus, aliisque locis ad littora Novæ Sco-
tiæ, ea nempe quæ Eurum respiciunt,
intra triginta leucas, incipiendo ab insu-
lâ, vulgò Sable dictâ, eâque inclusâ, &
Africum versus pergendo, omnis pesca-
tura interdicatur.

which the Subjects of his *Britannick*
Majesty from henceforward shall alone
possess: *Likewise of Nova Scotia, other-
wise called Acadia, in its full Extent, ac-
cording to its ANCIENT Limits; AS
ALSO OF the Town of Port-Royal,*
now called *Annapolis-Royal*, and in gene-
ral of all that depend on the said Coun-
tries and the Islands belonging to them;
with the Sovereignty, Property, Pos-
session, and all Rights acquired by Trea-
ties or otherwise, which the Most Chri-
stian King, the Crown of *France*, or any
of his Subjects, have hitherto had to the
said Islands, Lands, Places, and their
Inhabitants, all which the Most Chri-
stian King *cedes* and transfers to the Queen
and Crown of *Great-Britain*, and that
in a Manner and Form so ample, that
for the Time to come, none of the Sub-
jects of his Most Christian Majesty shall
be permitted to fish in the said Seas,
Bays, and other Places within thirty
Leagues of the *Coast of Nova Scotia, to
the South-East*, beginning at the Island
vulgarly called *Sable*, inclusively, and
extending to the *South-West*.

ARTICLE XIII. Of the Treaty of Utrecht.

Insula, Terra-Nova dicta, unâ cum
insulis adjacentibus, juris Britannici ex
nunc in posterum omnino erit; eumque
in finem Placentia urbs & fortalitium,
& si quæ alia loca in dictâ insulâ per
Gallos possessa sint, per Regem Christi-
anissimum, commisionem ea in parte à
Reginâ Magnæ-Britanniæ habentibus,
intra septem menses à commutatis hujus
tractatus rati-habitionum tabulis, aut
citius si fieri potest, cedentur & traden-
tur, neque aliquid juris ad dictam insu-
lam & insulas, ullarumque illius aut earum-
dem partem, Rex Christianissimus, hæ-
redes ejus & successores, aut subditi ali-
qui, ullo debinc tempore in posterum sibi
vindicarebunt. Quin etiam nec locum ali-
quem in dictâ insulâ de Terrâ-Novâ
munire, nec ulla ibidem ædificia, præ-
ter

The Island of *Newfoundland*, with the
adjacent *Islands*, shall from hencefor-
ward absolutely belong to *Great-Bri-
tain*; and for this Purpose the Most
Christian King will cause to be delivered
up to those who shall be commissioned
in that Country on the Part of the
Queen of *Great-Britain*, within the
Space of seven Months, reckoning from
the Day of the Exchange of the Rati-
fications of this Treaty, or sooner, if pos-
sible, the City and Fort of *Placentia*,
and other Places which the *French* may
still possess in the said Island, in such a
Manner that the said Most Christian
King, his Heirs and Successors, or any
of his Subjects, shall not from hence-
forward lay claim, in any Manner what-
soever, or at any Time whatsoever, to
the

Acadia.

ter contabulationes & tuguriola, piscibus siccandis necessaria & consueta construere, neque dictam insulam ultra tempus piscationibus & piscibus siccandis necessarium, frequentare subditis Gallicis licitum erit, in eâ autem tantummodo, nec ullâ aliâ dictæ insulæ de Terrâ-Novâ parte, quæ à loco, Cap Bonaviita nuncupato, usque ad extremitatem ejusdem insulæ septentrionalem protenditur, indeque ad latus occidentale recurrendo, usque ad locum Pointe-Riche appellatum, procedit, subditis Gallicis piscaturam exercere & pisces in terra exsiccare permissum erit; insula vero Cap Breton dicta, ut & aliæ quævis, tam in ostio fluvii Sancti Laurentii, quam in sinu ejusdem nominis sitæ, Gallici juris in posterum erunt, ibique locum aliquem, seu loca muniendi facultatem omnimodam habebit Rex Christianissimus.

the said Isle and the adjacent Islands, either in whole or in part. Neither shall they be permitted to fortify any Place there, nor to erect any Habitation, in any Manner whatsoever, excepting the Scaffolds and the necessary and usual Cabins for drying Fish; nor land in the said Island at any other Time than what is proper for fishing, and necessary for drying Fish. In which Isle it shall not be permitted to the said Subjects of France to fish and to dry Fish in any other Part, but from the Place called Cape-Bonaviita to the Northern Extremity of the said Island, and from thence along the Western Part to the Place called Point-Rich; but the Island called Cape-Breton, and all others whatsoever, situated in the Mouth and Gulph of St. Laurence, shall for the Time to come belong to France, with full Power in the Most Christian King to fortify either one or more Places in the said Islands.

The Examination of these two Articles might have been confined within very narrow Limits; every thing is perfectly plain, and besides, we know that the View of the Court of London was to secure in Favour of the Inhabitants of New England, the Places nearest the Fish, and where these are in the greatest Abundance; and not to usurp Canada, or shut up the Entrance to it from France: We have not seen for near forty Years, which has elapsed since the signing of the Treaty of Utrecht, that the Court of England, notwithstanding its having more than one favourable Opportunity, has formed Pretensions like those that are made at present, tho' that would naturally have been the Time to have supported Claims founded on Reason and Equity.

May we not justly suspect, that some new Project is formed in England, which aims at nothing less than preparing the Means

means of invading the whole of *Canada*, on the first favourable Opportunity?

Nothing in fact, would be more easy than this, if we delivered up, according to the Proposal of his *Britannick* Majesty's Commissaries, one Side of the Mouth of the River *St. Laurence*, and all the Southern Bank of that River, as far as *Quebec*.

The Treaty of *Utrecht* not being able to furnish either the Means or Pretences for supporting such vast Pretensions; it became necessary for them to search for Proofs that are foreign to the Question.

His *Britannick* Majesty's Commissaries have had recourse to the Treaty of *St. Germain* in 1632, and to that of *Breda* in 1667; Treaties by which *England* neither gives nor cedes any thing, but restores to *France* what had been taken from it, either during the War and Siege of *Rockelle* in 1628 and 1629, or after it; or in time of Peace in 1654: But these Treaties having no Relation to the present Subject, only tend to darken it, and it seems as if these Commissaries had no other Design but to substitute them in the room of that of *Utrecht*, and to lose sight of the latter.

Moreover, the Treaty of *Breda*, which is most insisted upon in the Memorial presented by the *English* Commissaries, is very far from answering their Purpose; and the Case is the same, without Exception, with respect to all the Titles they produce, as will be shewn in the Sequel of this Memorial.

But tho' it should even be confessed, that the Treaties of *St. Germain* and *Breda* had some Relation to these Disputes, it would be impossible to avoid being astonished at the Repetitions so often used in the *English* Commissaries Memorial, when in changing the Term *restore*, which is used in both these

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Treaties; they make use of *cede* and *give*, which is to be found in neither of them.

To give greater Weight and Credit to Impressions that are destroyed by the mere Inspection of the Treaties, and to raise a Persuasion that *France* holds *Acadia* only by the Gifts and Cessions of *England*, they intimate in many Parts of their Memorial, and even produce some Extracts, which declare, that the Countries reclaimed by them, made a Part of the ancient Dominions of their Crown, and were originally settled by the *English*. They even suppose, but indeed without any kind of Proof, that our Kings have confirmed ancient Grants made in these Countries by the Authority of the Government of *England*; but none of these Facts stand upon a better Foundation than the Inductions drawn from the Treaties of *St. Germain* and *Breda*. The *French* were settled in *Acadia* before the *English* had any Colony in *America*. This Fact, which destroys the very Foundation of all their Pretensions, will be proved by Records and incontestible Authorities.

We shall not here enter into the Particulars of the Subsidiary Allegations made use of by the Commissaries of his *Britannick* Majesty. It is sufficient to premise, that none of them shall escape Examination in the Course of this Memorial; that we shall shew the slender Foundation upon which they are all built, or their being improperly applied to the Subject in question; and that many of them directly destroy what they are brought to prove, and are sufficient to determine against *England*, the very Question now in dispute between the two Nations.

What we are going to represent will shew the Necessity the King's Commissioners were under, of entering into Examinations and Discussions that were in their own Nature foreign to the Question in dispute.

Indeed,

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Indeed, in order to examine whether the Country ceded by the Treaty of *Utrecht* anciently belonged to the Crown of *England*, we cannot avoid examining into the Origin of the *French* and *English* Establishments in *North America*.

With this we shall begin our Memorial, and then successively examine all the Revolutions that have happened in *Acadia* before the Peace of *Utrecht*.

We shall at length shew what little Foundation the Commissaries of his *Britannick* Majesty have had to alledge, that *Acadia* was ceded and given to *France* by *England*, either at the Treaty of *St. Germain*, or at that of *Breda*.

As the *English* Commissaries have pretended to draw Arguments from the Name of *Nova Scotia*, we shall examine, what we are to understand by this Name, which was unknown to *France* till the Treaty of *Utrecht*. The Article in which this Question will be treated, will, strictly speaking, be only a Corollary to the preceding Articles.

We shall at length discuss all the other Arguments used by the Commissaries of his *Britannick* Majesty, and answer their Objections concerning the Limits which the King's Commissaries set to *Acadia*.

In short, after having shewn the little Foundation there is for the System of his *Britannick* Majesty's Commissaries, and the Insufficiency of their Arguments, we shall establish by Writings, by Authorities, and by the Treaty of *Utrecht* itself, what are the true and ancient Limits of *Acadia*.

We shall finish this Memorial, with a Summary Recapitulation of what results from it.

Memorial of the French Commissioners.

ARTICLE I.

Of the Origin of the first English Settlements in North America.

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WE ought to distinguish Voyages made towards the Coast of *North America*, without any Design of settling Plantations and establishing Colonies there, from those that have been undertaken directly with this View; and among these last, those that have been confined to mere fruitless Attempts, from those that have been followed by solid Settlements now actually subsisting, or that would still have subsisted, had they not been destroyed by some *European* Power.

The most ancient Voyage which the *English* Writers have endeavoured to turn to their Advantage, is that which *Sebastian Cabot*, a Citizen of *Venice*, made under the Flag of *England* in 1497, to discover by the North-West a new Passage to the *East-Indies*. (*a*)

Henry VII. King of *England* (*b*) permitted him to fit out Ships; *Cabot* was at all the Expence, and the King put the Condition of having a fifth Part of the Profit that should arise from the Voyage.

Cabot (*c*) sailed from *England*, with the sole Design of seeking a Passage by the North-West to the *East-Indies*, and, as he himself expresses it, *of sailing by the West to the East where the Spices grow*. He was fully confident that he should land only in the Country, which in those ancient Times was called *Catbay*; but he met with Lands that were entirely unknown to him, and

AUTHORITIES.

(*a*) *Hackluyt*, 3. pag. 6—9.

(*b*) Letters Patent of *Henry VII.* March 15, 1495. *Hackluyt*, Vol. 3. pag. 4.

(*c*) Discourse of *Sebastian Cabot*. *Hackluyt*, Vol. 3. pag. 7.

and that stopp'd his Passage ; and he sincerely confesses (d) that these Lands gave him great Uneasiness.

He failed up as far as to the 56th Degree of North Latitude, and returned back to the South, as far as the Country which has since been called *Florida*: In short, despairing of finding the Passage he sought for, he returned to *England*. (e)

His Voyage was confined to the mere View of some Parts of the Continent of *America*, very distant from each other ; but the View of a Country has never given a Right to it. This was only a Cruise, without Settlement, without an Attempt to form one, without its appearing that there was then any Thought of the Fishery, which the *French* had carried on from Time immemorial to the Island of *Newfoundland*, the only Place of which it can be said that *Cabot* took any Notice.

At his Return to *England*, not the least Attention was paid to his Voyage ; this made him resolve to offer his Service to their Catholic Majesties, *Ferdinand* and *Isabella*, who gave him the Command of several Ships, and for whom, among other Discoveries, he found out the River of *Plata*, in 1526.

This is the Voyage of *Cabot* in 1497, the Voyage of a Mariner who was a Stranger to *England* ; of a *Venetian*, afterwards engaged in the Service of *Spain* ; a Voyage which he made at his own Expence ; and which was only attended with a simple Cruise, founded on an Opinion which the Event proved to be false ; a Voyage undertaken without any Means, and even without any Design of forming Settlements ; this vague Opinion was destroyed by the Sight of Land, which *Cabot* did not seek

AUTHORITIES.

(d) Ibid.

(e) Ibid.

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seek for, and which filled him with Despair at the Discovery, if he was indeed the first who saw it: In fine, it is this pretended Discovery, which at the Time when it was made, was not judged to be worthy of the Attention of *England*, from which the *English* Authors, after a great Number of Years, have thought of raising a Title to the Property of a vast Continent, which was scarcely seen by *Cabot*.

The *French* might, with greater Reason, arrogate to themselves the Empire of the Western coast of *Africa*. In the fourteenth Century, (*f*) before it was known to any other Nation in *Europe*, they had not only discovered it, but traded thither, and had formed Settlements.

From the Time of *Cabot's* Voyage, the *English* were thirty Years without any of their Ships frequenting the Seas of *North America*. We find in *Hackluyt's* Collection, (*g*) that in 1527, two Ships sailed thither, the one to take a View of *Newfoundland* and *Labrador*, the other of *Cape-Breton*, and the Coasts of a Country which this *English* Author calls *Arembec*; but this was only a Voyage made merely for Discoveries, without any Idea of a Settlement.

Nine Years after, that is, in 1536, (*b*) many private Persons fitted out a Vessel at *London*, to make new Discoveries of the Countries in *North America*: So true it is that these Countries continued still unknown to the *English*. They were reduced by Famine to the greatest and most dreadful Extremities; and after committing Outrages, which even Necessity can never authorize, they at last met a *French* Vessel sailing to
Newfoundland

AUTHORITIES.

(*f*) *Fastes chronologiques du nouveau monde*, pag. 5.

(*g*) Vol. 3. pag. 129.

(*b*) *Hackluyt*, Vol. 2. pag. 129—131.

Newfoundland to catch Fish, which they plundered, took, and made use of it to return to *England*.

We shall here take no notice of the Voyages made by *Forbisher* in 1576, 1577 and 1578 (*i*); of those of *Davis* in 1585, 1586 and 1587 (*k*); nor of those of *Hudson* in 1607, 1609 and 1610 (*l*); the only Design of these was to search for a Passage by the North-West to the *Indies*, which was the old Project of *Sebastian Cabot*; and not of forming any Settlement in *America*.

Above eighty Yaers pass'd after *Cabot's* Voyage in 1497, before any Project was formed in *England* for selling Plantations, and transplanting Colonies into *America*; and there pass'd above an hundred before these Projects were put in Execution upon a solid and lasting Foundation.

The first Attempts of the *English* to establish a Colony in *America* were, in consequence of Letters Patent (*m*) granted by Queen *Elizabeth*, in 1578, to Sir *Humphry Gilbert*. He had obtained this five Years, when he fitted out a considerable Fleet in 1583, with a Design to settle a Colony to the North of *Florida* (*n*). He landed at the Island of *Newfoundland*, where *Hackluyt* relates, that he was going to spring a Mine, but desisted, for fear it should be observed by the *French* (*o*) who were in that Neighbourhood.

Sir *Humphry Gilbert's* Voyage was unhappy; for he suffered a Tempest, in which he and the Ship wherein he went were lost.
The

AUTHORITIES.

- (*i*) *Hackluyt*, Vol. 3. pag. 29—74.
- (*k*) *Idem*, Vol. 3. pag. 98—111.
- (*l*) *Purchasi*, Vol. 5. pag. 817.
- (*m*) Letters Patent of Queen *Elizabeth* of the 11th of June 1578. *Hackluyt*, Vol. 3. pag. 135.
- (*n*) *Hackluyt*, Vol. 3. pag. 143—165.
- (*o*) Vol. 3. pag. 154.

Acadia. The other Ships in his Fleet returned to *England*, and the Project of making a Settlement vanished.

It appears that Sir *Humphry Gilbert's* Design was to form a Settlement in *Newfoundland*; but in this he deviated both from the Spirit and Letter of the Charter granted him by Queen *Elizabeth*, which was to discover and take a View of distant Countries: Now the Island of *Newfoundland* was then discovered, known and frequented by the *French*. The Particulars mentioned by *Hackluyt* do not permit the least Doubt, that Sir *Gilbert* found *French* Ships on that Coast when he first landed.

It would indeed be difficult to conceive, how Queen *Elizabeth* could have prohibited the *French* from sailing to the Island of *Newfoundland*, and within the Distance of two hundred Leagues, if Sir *Gilbert* had formed his Settlement according to the Letters Patent; while the *French* were for a long time in full and quiet Possession of the Navigation of these Coasts. This Reflection alone very evidently proves, that Sir *Gilbert*, in proposing to form a Settlement in *Newfoundland*, acted against the Spirit of the Letters granted him by the Queen of *England*; but his Shipwreck put an End to his Projects.

When *James I.* (*p*) in the Year 1610, granted a Part of the Island of *Newfoundland* to the Earl of *Northampton*; after having expatiated in the Letters Patent, which he caused to be expedited, on the Principles which permitted the Establishment of Colonies in deserted and uncultivated Countries, he nevertheless added, towards the End of those Letters, a Clause, which ordained that Regard and Respect should be paid to all sorts of Persons of what Nation soever, who frequented that Island in order to catch Fish, which was more conformable
to

AUTHORITY.

(*p*) Letters Patent of *James I.* of the 27th of April 1610. *Harris*, Vol. I. page 861.

to the Principles of Justice and Equity, than the Projects formed by Sir *Gilbert* in consequence of Queen *Elizabeth's* Charter; though it was always alledged against the Concession of *James I.* that he neither could nor ought to execute it to the Prejudice of the Right of the *French*, who were constantly accustomed every Year to dry the Fish they had caught on the Shore of *Newfoundland*, and to make the necessary annual Settlements for that Purpose.

Moreover, we ought not to confound Sir *Humphry Gilbert*, with *Adrian Gilbert*, to whom Queen *Elizabeth*, in the Year 1583, granted Letters Patent (*q*) to authorise an Attempt to discover a Passage to *China* and the *Molucca* Islands, by the North-West of *America*, and to permit him to make Settlements in the Countries and Islands he might discover. In consequence of this Charter he did not take any Steps towards forming Settlements; and if he then made any Attempt to discover that Passage which has been so long sought for, his little Success is doubtless the Cause that not the least Trace of it remains. A little after *John Davis* made in vain the same Search; but these Voyages, as we have already observed, have no relation to those that are designed for settling Plantations, and forming Colonies in *America*.

In 1584, Sir *Walter Raleigh*, who was afterwards one of the *English* Admirals, began to undertake more serious and better concerted Projects for making Settlements in *America*.

For this purpose he obtained Letters Patent from Queen
I *Elizabeth*,

AUTHORITY.

(*q*) Letters Patent of Queen *Elizabeth* of the 6th of February, 1583. *Hackluyt*, Vol. 3. page 69.

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Elizabeth, (r) dated the 25th of *March* 1584; and the same Year sent two Ships under the command of the Captains *Philip Amadas* and *Arthur Barlow*, to take a View of the Country, and obtain Information of the Possibility of establishing a Colony there.

The Captains (s) landed in different Islands, particularly in that of *Roanoak*, situated in about the Latitude of 36 Degrees, and gave such an advantageous Description of the Country they had seen, that they gave it the Name of *Virginia*, in honour of Queen *Elizabeth*.

This Name is at present confined to the Country which (t) extends from 37 to 39 Degrees; but at the beginning *Virginia* had no determinate Limits. The Island of *Roanoak* was included in it, though it is at present within the Limits of *Carolina*.

The following Year, viz. 1585, (u) Sir *Richard Greenville*, one of Sir *Walter Raleigh's* principal Associates, put to Sea with seven Vessels. He arrived at the Island of *Roanoak*, where he left an hundred and eight Men, who fell into such Want, that Admiral *Drake* touching at the Coast in 1586, they entreated him to carry them back to *England*, and the Colony was abandoned.

A short time after they had left the Island, (x) Sir *Walter* arrived

AUTHORITIES.

(r) Letters Patent of Queen *Elizabeth* of the 25th of *March*, 1584. *Hackluyt*, Vol. 3. page 243.

(s) *Hackluyt*, Vol. 3. page 246—251.

(t) *Smith*, page 21.

(u) *Hackluyt*, Vol. 3. page 251—264.

(x) *Idem*, Vol. 3. page 265—282. and *Smith*, page 13.

arrived there in Person ; but not finding a single Inhabitant, returned back to *England*, Sir *Richard Greenville*, who came after him, made a new Attempt ; he left there in 1586, some say, fifteen men, others fifty ; but however it happened, when Sir *Walter* sent new Inhabitants thither in 1587, they found only the Bones of one single Man, and it was never known what became of the others.

The Inhabitants left there in 1587 (y) amounted to an hundred and seventeen ; but they were in some measure abandoned. Two Ships which sailed thither in 1590, (z) found at the Island of *Roanoak* Inscriptions, which let them know that the Colony was removed to a Place called *Croatan* ; but a Tempest arising, they took the Resolution to return to *England*, without making any farther Search for their Countrymen, who were never heard of after.

From the Year 1590, to 1607, *Virginia* was left without any Attempt being made to send over any new Inhabitants, and even a very considerable time passed without any Vessels sailing thither. That Country (a) remained buried in Oblivion and Obscurity. In short, in 1602 (b) a Sea Captain, whose Name was *Gosnoll*, equipped a Vessel at his own Expence, sailed to the North of *Virginia*, and landed on the Coast of *America* in 43 Degrees North Latitude ; but set out again the same Year with all his Men, in order to return to *England*, so that this Voyage was not attended with any Settlement.

The Year following, viz. 1603, (c) the City of *Bristol* fitted out

I 2

a Ship

AUTHORITIES.

(y) *Hackluyt*, Vol. 3. page 280—288, and *Smith*, page 13, and 14.

(z) *Idem*, Vol. 3. page 288—295. and *Smith*, page 15, and 16.

(a) *Smith*, page 16.

(b) *Idem*, page 16—18.

(c) *Idem*, page 18.

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a Ship under the command of Captain *Pring*, who landed on the Coast of *America* in the same Latitude as Captain *Gosnoll*; but returned to *England* without attempting to form any Settlement there. It was the same with respect to another Ship, (*d*) that sailed from *London* two Years after, in 1605.

On the Representations made by Captain *Gosnoll* (*e*) of the Advantages that might be derived from these Countries, two Companies were at length formed, which in 1606 obtained new Letters Patent from King *James I.* (*f*) one of which attempted new Settlements in *Virginia* with more Success.

They sent three Ships under the Command of Captain *Newport*, on the 9th of *December* 1606, which, after a long Voyage, arrived in *James's River* in *Virginia* in the Month of *June* 1607 (*g*); where they built the first Town of that Colony. These new Inhabitants suffered a great deal both from the Savages, and their own Conduct: They formed several Projects for returning to *England* (*h*); but every Year receiving Reinforcements, and fresh Assistance, this Colony not only kept its Ground, but became very flourishing. This is the most ancient of all those which *England* at this Day possesses in *America*.

By the Charter of 1606 (*i*), its limits were confined within narrow Bounds; to the Extent of fifty Miles North and South from the first Place of their Settlement, between the 34th and

AUTHORITIES.

(*d*) *Smith*, page 18—20.

(*e*) *Idem*, page 41.

(*f*) Letters Patent of *James I.* of the 10th of *April* 1606, an Extract of which is to be found in *Purchas*, Vol. 4. page 1683; it was also communicated by Extract by the Commissaries of his *Britannick* Majesty.

(*g*) *Smith*, page 41—44.

(*h*) *Idem*, page 46.

(*i*) Letters Patent of *James I.* of the 10th of *April* 1606.

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and 41st Degrees of North Latitude, and an hundred Miles backward into the Country.

The same Charter granted to a second, called the *Plymouth Company*, the Power of making Settlements between the 38th and 45th Degrees of Latitude, with the same Clauses; that is, of enjoying along the Coast, according to its Bearing, the Space of fifty Miles on each side of the first Settlement they should make, and an hundred Miles backward into the interior Part of the Country. Both these Grants were made in such a manner, as to take place only in case the Countries they undertook to establish were not possessed by any Christian Power. In this Charter it was not presumed that all the Continent of *America* ought to belong to the *English*, though other Powers should be found in Possession of it before them.

Lord Chief Justice *Popham* was the first who undertook to form a Settlement on the *Plymouth Company's* Grant. In the Year 1607, he sent Capt. *George Popham*, (k) who carried thither forty-five Inhabitants; and in 1608 two Ships were sent to carry them Succours; but the extreme Hardships they had suffered made the Colony determine to return to *England*.

Thus the first Colony established in the Country, since called *New England*, began and ended in the Compass of a Year. The Country was considered as cold, barren, and mountainous, as a Desert filled with Rocks (l), and there were no longer any Thoughts of settling a Colony there till *John Smith* revived the Project. It was then proposed to place a Settlement not so far North as the first, which they had been forced to abandon.

The

AUTHORITIES.

(k) *Smith*, page 203, 204.

(l) *Idem*, page 204.

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The first Voyage *Smith* made was in 1614 (*m*); when he drew a Map of the Country, and called it *New England*. This is the Origin and Epocha of its Name; but as it was stifled by the name of *Canada*, as he himself observes, he presented his Map to the Prince of *Wales*, entreating him to change the Names of the Country into *English* Names.

Smith in his first Voyage confined himself to the carrying on of a profitable Trade (*n*), and made no Attempt to form a Settlement. The first that was made did not take place till some Years after, in 1620.

England was then divided by religious Factions; a Number of Puritans retired first to *Holland*; but not liking the Place they had chosen (*o*) for their Asylum, they returned to their native Country in 1620, and there embarked for *New England*. They obtained Letters Patent from the King to authorise their Settlement, which they made in a Place called *New Plymouth*, situated within 42 Degrees of North Latitude; when they chose a Governor, and that Form of Government which they liked best, without paying any Regard to the Letters Patent they had obtained from their Sovereign: This at least is the manner in which *Salmon* (*p*) relates this Event in his Modern History.

This Colony was the first of all those which at present form what is commonly called *New England*, which comprehends not only *New Plymouth*, but also *Massachusetts-Bay*, *Connecticut*, *Newhaven*, the Province of *Maine*, *New Hampshire*, *Rhode-Island*, and *Providence*.

These

AUTHORITIES.

(*m*) *Smith*, page 204, and 205.

(*n*) *Idem*, page 204.

(*o*) *Salmon*, Vol. 3. page 533.

(*p*) *Idem*, *ibid*.

These different Establishments form only four distinct Colonies, viz. that of *Massachusetts-Bay*, which also comprehends *New Plymouth* and the Province of *Maine*; that of *Connecticut* and *Newhaven*, which together form but one; *New Hampshire*; and for the fourth *Rhode-Island* and *Providence* (q).

In 1629, a Fleet from *England* arrived within the Extent of the Grant of *Massachusetts-Bay*, at a place which they called *Salem*, and there built a Town (r). The Year following a new Fleet being arrived at *Salem*, they formed two Settlements, one at *Dorchester*, and the other at *Charles-Town*, on the Banks of *Charles's River*. But the Inhabitants of *Charles-Town* observing that the other Side of the River was a more favourable Situation, they dispossessed without Form of Law, a Minister of the *English Church* who had built a small House, and in 1630 built there their capital City, to which they gave the Name of *Boston* (s).

The Charter granted by the King of *England* to this Colony on the 4th of *March* 162⁹ (t), fixes its Limits from three Miles North of the River *Merimack*, to three Miles South of *Charles's River*, and it extends them on the Land Side to the South-Sea; but we imagine, that it is not necessary for us to stop here to shew that in this last Particular it is fallacious.

In 1636 the Colony of *Connecticut* was settled by a Detachment from *Massachusetts-Bay*. And in 1637 the Inhabitants who removed themselves from *England* were so numerous, that they established another Colony at *Newhaven* (u).

These

AUTHORITIES.

(q) *Salmon*, Vol. 3. page 517.

(r) *Idem*, Vol. 3. page 537.

(s) *Idem*, Vol. 3. page 537, and 538.

(t) *Neal*, Vol. 3. page 210. and *Salmon*, Vol. 3. page 539.

(u) *Idem*, Vol. 2. page 329, and 330. and *Salmon*, Vol. 3. page 539.

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These Removals became so considerable, that in the same Year, 1637, the King of *England* prohibited them, and no Person was permitted to embark without being furnished with the King's Permission. It is pretended that the Chiefs of the Malecontents who raised the Rebellion against *Charles I.* were then on the Point of removing thither, and that *Cromwell* himself was embarked in the *Thames* (x).

About the same Time was established the Colony of *New-haven*, that is, about the Year 1637, when some *English* Families took Possession of *New Hampshire*, and the Province of *Maine*, situated to the North of *Massachusetts-Bay* (y).

In short, in the Year 1639, the Puritans of *New England* disagreeing among themselves, and treating some of their Members with greater Severities than those which had raised their Complaints against the *English* Government, they obliged many of them to seek for Shelter in *Rhode-Island*, where they formed a new Colony. They afterwards took Possession of the Continent, situated opposite to their Settlement, and built there the Towns of *Providence* and *Warwick* (z).

We see by these Facts, that the first Voyages made by the *English*, were not with a View to establish Colonies in *America*, but only to search for a Passage to the *East-Indies*, by sailing to the North-West.

That before the Year 1585, no *Englishman* ever attempted to form a Plantation in *America*.

That the first Attempts of this Nature having failed, the Project was laid aside for several Years.

That

AUTHORITIES.

(x) *Salmon*, Vol. 3. page 539.

(y) *Idem*, Vol. 3. page 539.

(z) *Idem*, Vol. 3. page 540, and 541.

That the Settlement of *Virginia*, the first and most ancient of the *English* Colonies, was not begun till the Year 1607.

That the Name of *New England* was absolutely unknown till the Year 1614, and that the first Settlement was not made till 1620.

That the Birth of the famous Colony of *Massachusetts-Bay* was not till 1629, and the Foundation of *Boston*, till 1630; and that most of the Colonies of *New England* were settled from 1630 to 1639.

We shall not treat of the Settlement of the other *English* Colonies in *North America*; they are posterior to those we have already mentioned, and have no Relation to the present Subject.

A R T I C L E II.

Of the Origin of the first Settlements of the French in North America.

IF we may give credit to *l'Esкарbot*, who was in *America* in 1606, and consequently before the *English* were settled there, the Inhabitants of *Diepe*, *St. Malo*, *Rochelle*, and other *French* Mariners, had for many Ages (*a*) frequented the Great Bank, and Coasts of *Newfoundland*, for the Sake of the Fish. He observes that the Language of the Coast was half *Biscayan*, which is an evident Proof that the *Biscayans* had for a long time frequented that Coast; and it may be fairly presumed, that they did so long before *Sebastian Cabot's* Voyage.

K

We

A U T H O R I T Y.

(*a*) *L'Esкарbot*, page 227—229.

Acadia.

We have seen that the *English* paid no Regard to the Discoveries made by this Foreigner under their Flag. He let them know that there was a Continent between the Seas of *Europe* and those of *India*; this was all the Information he gave them; and there passed thirty Years before any Ship belonging to that Nation failed towards these newly discovered Countries.

While this Navigation was neglected and abandoned by the *English*, the Fishery on the Great Bank, and the Coast of *Newfoundland*, on the neighbouring Continent, and throughout the Gulph of St. *Laurence*, was, from the Year 1504 (*b*), common and familiar, not only to the *Biscayans*, but also to the People of *Britany* and *Normandy*. We owe to them the Establishment of a Fishery, the Benefit of which other Nations, in succeeding Times, shared with *France*.

In 1506, *John Denys de Honfleur* (*c*) published a Chart of the Coasts of *Newfoundland*; and in the Year 1508, we had in *France* one of the Savages of *Canada*, who was brought hither by a Pilot belonging to *Diepe*.

The first of all the Voyages made to *North America*, with a View to make Settlements there, was, beyond all Dispute, that of the Baron *de Lery* and St. *Just*, in 1518; he had, says *l'Esкарbot* (*d*), a high-wrought Courage, by which he desired to establish, and give a Beginning there to a French Plantation. He landed Cattle in *Sable Island*; and, let it be remarked by the way, that the first time the *English* carried over any to *New England*, was above an hundred Years after, in 1624 (*e*).

Some

A U T H O R I T I E S.

(*b*) Fautes chronologiques du nouveau monde, page 13.

(*c*) Page 13.

(*d*) Page 21.

(*e*) *Salmon*, Vol. 3. page 536.

Some Years after Baron de Lery's Voyage, King Francis I. caused John de Verazzan(f) to take a View of the Coast of Florida. He made three successive Voyages in 1523, 1524, and 1525, and perished in the last, before he could put in Execution the Projects that had been formed for transplanting Colonies thither.

We give the Name of Projects to the Enterprizes of Baron de Lery, and to those of Verazzan; they landed no Europeans in America in order to form Plantations there, and began no Colony, tho' they had conceived the Design of doing it.

In 1534 James Cartier Malouin re-examined the greatest Part of the Coast in the Gulph of St. Laurence; but in a second Voyage he made in 1535, he wintered at Canada, entered into an Alliance with the Savages, and took Possession of the Country (g). This was the first real Attempt made by the French to settle a Colony in Canada.

In 1540, Francis I. sent his Lieutenant-General Francis de la Roque Sieur de Roberval to Newfoundland, Canada, Hochelaga, Saguenay, and other Places, with a Commission dated the 15th of January in the same Year (h), to raise Plantations in the said Countries, to build Forts, and to carry over a Number of Families. James Cartier was nominated by Letters of the 17th of October following (i) Captain-General of five Vessels employed in this Expedition; they arrived in 1541 at Cape-Breton

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where

AUTHORITIES.

(f) Faïtes chronologiques du nouveau monde, pag. 18. and l'Escharbot, pag. 225.

(g) Ibid. pag. 20, & 21. and l'Escharbot, p. 304, 308, 333, and 372.

(h) This Commission is related in the Letters Patent of the 12th of January, 1598, in Favour of the Sieur de la Roche. L'Escharbot, pag. 408.

(i) The Commission of Francis I. to James Cartier, for the Settlement of Canada. L'Escharbot, pag. 397.

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where they fortified themselves and formed the first Settlement (*k*).

The Severity of the Climate prevented the Success of these first Enterprizes. They therefore projected Settlements towards the South, in *Florida*. *John Ribaud* visited the Coast in 1562, and erected a Fort at a small Distance from the Place where *Charles-town*, the Capital of *Carolina*, now stands. *René de Laudonniere* built a new Fort in 1564; but the *Spaniards* destroyed this Settlement at its Birth (*l*).

In 1588 new Projects were formed for settling *Canada*, by a Nephew of *James Cartier*; and to this Purpose Letters Patent were obtained from the King, dated the 14th of *January* in the same Year (*m*).

In 1598, the King made the *Sieur de la Roche* Lieutenant-General of *Canada*, *Hochelaga*, *Newfoundland*, *Labrador*, the River of the Great Bay, *Norembegue*, and the adjacent Country (*n*). He landed first at *Sable Island*, where he set some of his Men on shore; and then departing in order to march for a good Port, he was surprized on his Return towards *Sable Island* with a Tempest, which sent him back to *France*. The Men who had landed in *Sable Island* stayed there five Years, during which Time they received great Benefit from the Cattle which had been left in the Island eighty Years before, by the Baron *de Lery*.

Hitherto all the Attempts made by *France* to send Colonies into

AUTHORITIES.

(*k*) *Fastes chronologiques du nouveau monde*, pag. 22. *L'Esкарbot*, pag. 401.

(*l*) *Idem*, pag. 24.

(*m*) *L'Esкарbot*, pag. 403, and 404.

(*n*) See the Commission in *L'Esкарbot*, pag. 408. and the Success of that Enterprize, pag. 406, and 407.

into *North America* had produced no permanent Settlement. There was a new fruitless Attempt in the Year 1599, by the *Sieur Chauvin*, who made a small Settlement at *Tadoussac* in the River *St. Laurence*, ninety Leagues from its Mouth; but the Place he pitched upon was so improper, that this Colony had no better Success than the preceding (o).

At the Death of the *Sieur Chauvin*, the *Sieur de Chaste* obtained Letters from the King for the planting a Settlement in *Canada*; and in 1603, he engaged the *Sieur Champlain*, who was the Founder and Historian of that Colony, to make his first Voyage thither.

The *Sieur de Chaste* died the same Year; when the Projects for planting Colonies were resumed and prosecuted by the *Sieur de Monts*.

He had made a Voyage to *Canada*, for his own Satisfaction, with the *Sieur Chauvin*, when the Climate appeared so extremely cold at *Tadoussac*, that he formed the Project of planting a Settlement more to the South (q), in some Country where the Air was warmer and more agreeable. The principal Person he joined with himself in this Enterprize was the *Sieur de Poitrin court* (r). *L'Esкарbot*, whom this last Gentleman took with him in his second Voyage to *America* (s) in 1606, has given the History of these first Settlements, of which he was in a manner an Eye-witness, since *Port-Royal* was not founded till 1605; he was also one of the principal Instruments (t) of the first Growth of that Colony.

The

AUTHORITIES.

(o) *Champlain*, Part I. pag. 34—37.

(p) *Idem*, pag. 38—41.

(q) *Idem*, Part I. pag. 42.

(r) *L'Esкарbot*, pag. 432.

(s) *Idem*, pag. 502.

(t) *Idem*, pag. 545—548.

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The Letters by which the *Sieur de Monts* (*u*) obtained from the King the Title of Lieutenant-General, are dated *November* 8, 1603. This is the first Writing in which we find the Word *Acadia*; and the King not only granted him that Country, but also its *Confines* from the 40th to the 46th Degree of North Latitude.

In 1604, the *Sieur de Monts* sailed with two Ships, the one designed to make a Settlement within the Places prescribed in the Grant, whither he embarked with the *Sieurs Champlain* and *Poitrin-court*; the other under the Command of the *Sieur de Pont-Gravé*, principally intended for trading in Skins and Furs.

This last Ship sailed for *Canso* along the Coast near the Isle of *Cape-Breton*, and the first (*x*) steered downwards to the Coast of *Acadia*.

On the 6th of *May* 1604 (*y*), they gained the Coast of *Acadia* at *Port-Rossignol*; from whence coasting and taking a View of the Land, they arrived at another Port, which they called *Port-Mouton*. They at length gained *Cape-Sable*, and sailed for the Bay of *St. Mary*. They weighed anchor, to examine a large Bay, which they called the *French Bay*, where they found a Passage into a Port, which the *Sieur de Monts*, on account of its Beauty, called *Port-Royal*; and the *Sieur de Poitrin-court* found that Place so agreeable to him (*z*), that he petitioned for the Grant of it, in order to retire thither with his Family.

At leaving *Port-Royal*, they went to take a View of *Mines*; and

AUTHORITIES.

(*u*) Letters constituting the *Sieur de Monts* General of *Acadia* and the circum-jacent Countries, dated the 8th of *November*, 1603. *L'Escharbot*, pag. 417.

(*x*) *Champlain*, Part 1. pag. 43.

(*y*) *L'Escharbot*, pag. 432—439.

(*z*) *Idem*, pag. 440.

and then traversing the Bay, they arrived at St. John's River, when following the Coast, they came to the Entrance of a River, where they settled in a small Island which they called St. Croix, and that Name was at length given to the River (a).

The Situation of St. Croix being found disadvantageous, they determined to form a new Settlement at Port-Royal (b), which was executed in 1605.

The Coasts, which are actually the same as those of New England, were known and visited (c) the same Year, 1605, by the Sieur Champlain. He sailed as far as Cape Malebar, where he set up a Cross, and took Possession of the Country in the King's Name. The Year following, viz. 1606, the Sieur Pointrincourt, after having left l'Esкарbot at Port-Royal to prosecute the Settlement there, visited again the Coasts (d), and there cultivated a Spot of Ground, sowed Corn, and planted the Vine (e).

It is very remarkable, that the same Year in which James I. disposed of this Country by a Charter, in case it was vacant, and before the Name of New England had any Existence, the French cleared a Part of the Land in order to prepare for a Settlement.

The Sieur Champlain sailed back to France in 1606, returned to Canada in 1607, and founded Quebec in 1608 (f).

The above-mentioned Facts determine both the different Periods

AUTHORITIES.

(a) Idem, pag. 441,—444.

(b) Idem, pag. 495, and 496.

(c) Fautes chronologiques du nouveau monde, pag. 28. Champlain, Part 1, pag. 74—95. L'Esкарbot, pag. 491.

(d) L'Esкарbot, pag. 553.

(e) Idem, pag. 557.

(f) Charlevoix, Tome 1. pag. 120, & 121,

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riods of the several Enterprizes of the *French* for settling Plantations in *America*, and those of the Settlements which still subsist.

We have seen that their Voyages thither were very early, and there needs no other Proof of this, than what has been related by *English* Authors. The preceding Article furnishes many Examples of *French* Ships being met by the first *English* Mariners, who went either to discover or to plant Colonies in the same Countries.

The Period of the first Project formed by the *French* for obtaining a Settlement in *America*, is that of the Attempt made by the Baron de *Lery*, in 1518. The Epocha of the first Project of the like Nature formed by the *English*, is not till sixty-five Years after, in 1583, when Sir *Humphry Gilbert* went to view the Island of *Newfoundland*.

The first Imbarkation of the Inhabitants of *France* to attempt an Establishment in *America*, was in 1635, by *James Cartier*, when he built a Fort in *Canada*, and took Possession of the Country.

The most ancient Transplantation of Inhabitants by the *English* for settling Colonies in *North America*, was not till fifty Years after, in 1585, when Sir *Walter Raleigh* landed about an hundred Men in the Island of *Roanoke*.

The first solid and durable Settlements made by the *French*, were those on the Coast of the *Etchemins* in 1604, who afterwards removed to *Port-Royal* in 1605.

The first of all the Settlements made by the *English* was that of *Virginia*, which was not begun till 1607, when it was confined to very narrow Limits: Those of *New England* were much later: When *Smith* went to view the Country in 1614, it was only known by *French* Names, and he relates, as has been already said, that *that of Canada stifled all the others*. The *English*

lish did not begin any Settlements there till 1620, at *New-Plymouth*; Those of *Massachusetts-Bay*, or *New England*, properly so called, were not till 1629, twenty Years after the first *French* Settlements were made on the Coast of the *Etchemins*: And the Foundation of *Quebec*, the Capital of *Canada*, which was laid in 1608, was twenty-two Years before that of *Boston*, which was not founded till 1630.

Thus, whether we consider the Projects, the fruitless Attempts, or the Enterprizes followed with Success; in all these Cases, the *French* were before the *English* in *North America*.

It is therefore proved by a Chain of incontestible Facts, that the contrary Opinion is founded on groundless Prejudices, and is a mere Illusion.

Yet these Prejudices have served as a Basis on which some *English* Writers in *North America* have supported their Pretensions, and have been made use of as a Pretext for forming more than one Enterprize, both in Time of full Peace as well as in (*g*) open War, against the *French* Possessions: A Prejudice equally contrary to Justice and the Truth of Facts, and yet does not fail to have still an Influence in the Disputes that have arisen between the two Nations. Of this we shall be convinced by examining the Memorial of the Commissaries of his *Britannick* Majesty.

AUTHORITY.

(*g*) See a Letter from Mr. *Nicholson*, to M. *de Subercase* Governor of *Port-Royal*, dated the 3d of *October* 1710, and a Manifesto which Mr. *Hill* proposed to publish at *Canada* in 1711.

ARTICLE III.

Revolutions that have happened in Acadia and the adjacent Countries since the Peace of Utrecht.

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THE first Enterprize of the *English* against the *French* Settlements in *North America*, was in the Year 1613.

The *Sieur de la Saussaye* had begun a Plantation near the River *Pentagoet* on the Coast of the *Etchemins*. The *English* of *Virginia* attack'd it in 1613, under the Command of Captain *Argall*, and ruined it. They likewise demolished the Buildings that had been erected at *St. Croix*, plundered *Port-Royal*, and carried away a Part of the Inhabitants (*b*).

The two Nations were then at Peace. Could any one imagine, after what has been said in the two preceding Articles, that in order to justify these Actions, the *English* pretended that they were possessed of this Part of *America* before the *French*; and that the *French* had inroached upon their Territories?

Nevertheless this is to be found in a Representation of the Affair drawn up in 1622, by the President and Council of *New-Plymouth*, and addressed to *Charles I.* when Prince of *Wales*.

This Narrative first mentions the fruitless Attempts made by Lord Chief Justice *Popham* in 1607, and their abandoning of that Settlement the following Year.

Our Men having abandoned the Colony (the Relation continues) (*i*) the *French* immediately took advantage of this Opportunity to settle within our Limits; which being known in *Virginia*, after
prudent

AUTHORITIES.

(*b*) *Champlain*, Part 1. pag. 104—109.

(*i*) *Purchas*, Vol. 4. pag. 1828.

Memorial of the French Commissaries.

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prudent and mature Consideration of all the Inconveniencies that would attend our letting them establish themselves in this Country, we sent Captain Samuel Argall with a Commission to dislodge them, which he executed with much Discretion, Judgment, Valour and Dexterity; for having seized the Forts they had built at Mount Mansel, St. Croix, and at Port-Royal, he took the Cannon, seized their Ship by Surprise, and also their Cattle and other Provisions, to the great Advantage of Virginia, whither he transported them.

If we call to mind that the Settlements of the French in that Part of America were before the fruitless Attempts made by the English on the Coast of New England in 1607; that they were also before the more successful Attempts made the same Year at Virginia, the most ancient of all their Colonies; that Virginia, at its Origin, was only to extend fifty Miles or seventeen Leagues on each Side of their principal Settlement; in short, if we consider, that the River *Pentagoet* was many hundred Miles Distance; how shall we reconcile the Allegations of the President and Council of *New-Plymouth* with Truth and Justice?

'Tis true, the Government of England was so far from approving Capt. Argall's Behaviour on this Occasion, that there is the greatest Reason to presume that * it was found worthy of Censure.

As soon as this Captain had committed the above Hostilities, he returned to Virginia (k), when some of the Inhabitants, who had taken Sanctuary in the Woods amongst the Savages, returned to the Possession of their Lands. The *Sieur de Poitrin-*

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court,

AUTHORITIES.

* *Champlain*, Part 1. page 111.

(k) *Idem*, page 109.

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court, who returned thither in 1614, found there a Part of those he had left (1).

While the *French* were in full Possession of this Country, enjoying publickly and openly both the Banks of the River *St. Laurence*, to which no Person had ever yet made any Pretensions, the King of *England*, by Letters (m) dated the 10th of *September* 1621, disposed of a great Part of it, under the Name of *Nova Scotia*, to Sir *William Alexander*, afterwards Earl of *Sterling*.

We ought not to omit observing, that he added, in the same manner as in the Letters of 1606, for *Virginia*, the Clause, so much of the Country as shall be vacant, or inhabited by Pagans. This Clause, in reality, annull'd the Charter; that Country having been possessed by the *French* in 1604, and ever since constantly inhabited.

By that Charter, the King of *England* marks out the Limits of what he intended to grant, and denominates it a Part of the Country in which it was comprehended.

It began at *Cape-Sable*, extended towards *St. Mary's Bay*; cross'd the great Bay between the Countries of the *Souriquois* and the *Etchemins*, to the Mouth of the River *St. Croix*, extended up that River to its Source; joined, by a Line drawn to the North, the first River that discharges itself into the great River of *Canada*, following the Banks of that River to *Gaspé*; from *Gaspé* it extended to the Promontory of *Cape-Breton*; and from that Promontory rejoined *Cape-Sable*, comprehending *Sable Island*, and the Sea at the distance of forty Leagues from Shore.

This

AUTHORITIES.

(1) *Charlevoix*, Tom. I. page 408.

(m) Letters Patent for *Nova Scotia*, dated the 10th of *September* 1621, communicated by the *English* Commissaries.

This Grant was not followed by any Settlement on the Part of Sir *William Alexander*. A Vessel which set sail from *England* in 1622 (n) with some Planters, in search of a Place proper for them to inhabit, wintered at Port Saint *John* in the Island of *Newfoundland*, and putting to Sea in 1623, took a View of Part of the Coast of *Acadia*, but did not sail beyond *Port-Nègre*, from whence they returned back to *Newfoundland*, and at length to *England*. After this many Years passed, in which the *English* made no new Attempt on these Countries.

A Misunderstanding which arose between *France* and *England*, about the Year 1626, produced an Interruption of Commerce, and Acts of Hostility, which extended even to the Continent of *America*.

It seems that the *English* were the Aggressors; since the Parliament of *England* complained of it to King *Charles I.* who, they said, went to these Extremities only to obtain a Pretence for demanding Supplies from his Parliament (o).

Lewis XIII. therefore, on the 28th of *May* 1627, published a Declaration (p), in which he set forth the Pains he had taken to preserve a good Understanding between the two Nations, and the Injuries he had received from the *English*: in consequence of which his Majesty prohibited all Commerce with them, and ordered, that the Effects belonging to the *English*, found in *France*, should be seized, in order to indemnify his Subjects. This Declaration, however, did not denounce War, but seemed limited to Terms of Reprisal, though about that time

AUTHORITIES.

(n) *De Last*, page 62.

(o) *Rapin*, Tom. 7. page 294, and 363.

(p) The King's Declaration for prohibiting all Trade and Commerce with the *English*, dated the 28th of *May* 1627. *Mercure François*, Tom. 13. page 201.

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time the *English* had sent Succours to the Rebels at *Rachelle*.

In these Circumstances *Acadia* and *Canada* were attacked by the *English*. In 1628, they sent the first Fleet of eighteen Ships, under the Command of Mr. *Kirk* (q); who at first rendered himself Master of *Port-Royal*, and at length sailed with Part of his Forces up the River *St. Laurence*, seized the *Sieur de la Tour*, sen. who was going to *Quebec*; took Possession of the Plantation of *Miscou*; plundered that of *Cape Tourmente*; and summoned the *Sieur Champlain* to surrender *Quebec*; but on the Resolution he shewed (r) to defend it, Mr. *Kirk* abandoned his Design of reducing *Quebec*.

The following Year Mr. *Kirk* came with a fresh Fleet; again repaired to *Canada*, and a second time summoned the *Sieur Champlain* to surrender *Quebec*. The Vessels that were to have brought Provisions to *Canada* having been intercepted by the *English*, the extreme Famine to which they were reduced, obliged (t) the *Sieur Champlain* to capitulate; in consequence of which *Quebec* was given up to the *English* by Capitulation (u), on the 19th of *August* 1629.

The same Year the *English* made an Attempt upon the Island of *Cape-Breton*, took it, and built a Fort at *Port Baleines*; but

AUTHORITIES.

(q) Mr. *David Kirk's* Letter to the *Sieur Champlain*, dated *July* 18, 1628. *Champlain*, Part 2. page 157.

(r) The *Sieur de Champlain's* Answer to Mr. *Kirk*, dated the 18th of *July* 1628. *Champlain*, Part 2. page 158.

(s) Messrs. *Lewis* and *Tho. Kirk's* Letter to the *Sieur de Champlain*, dated *July* 19, 1629. *Champlain*, Part 2. page 215.

(t) The *Sieur de Champlain's* Answer to Messrs. *Lewis* and *Tho. Kirk*, dated *July* 19, 1629. *Champlain*, Part 2. page 215.

(u) Capitulation of *Quebec*. *Champlain*, Part 2. page 216.

but Capt. *Daniel* arriving there in the Month of *August*, attacked them, took their Fort, razed it, and built a new one (x).

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The *English* were not more successful in an Enterprize formed against *Fort-Lewis* on *Cape-Sable*, in *Acadia*. The *Sieur de la Tour*, jun. commanded there. His Father had been taken by *Kirk*, as we have already observed, in 1628, and sent to *England*, where he had entered into Engagements contrary to his Duty, and had offered to put *Acadia* into the Hands of the *English*. He returned thither the following Year, probably with the Ships that attacked *Cape-Breton*; but was unable to shake the Fidelity of his Son, and the *English* could not take the Fort under his Command (y).

In 1630 and 1631, *la Tour*, jun. received Succours from *France*, which put him in a Condition to be out of Fear of the *English*, who still continued at *Port-Royal* (z).

About the same Time the *Sieur Caen's* Company, which had obtained an exclusive Trade for Furs, was suppressed: When Cardinal *Richelieu* formed a new Company of an hundred Members: The Articles were signed on the 29th of *April* 1627, and confirmed by Letters Patent of the 15th of *May* 1628 (a).

This Company was also in the End abolished by an Edict published in *May* 1664 (b), which granted *Canada*, or *New France*, to the *West-India* Company: And the King by a second

AUTHORITIES.

- (x) Relation of Capt. *Daniel*. *Champlain*, Part 2. page 271—275.
- (y) *Champlain*, Part 2: page 282—285. *Denys*, Vol. 1. page 68—74.
- (z) Idem, Part 2. page 282—285, and page 297.
- (a) Act of Association of the 29th of *April* 1627, and Letters Patent dated the 6th of *May* 1628. *Mercur*e François, Tom. 14. page 232.
- (b) See the Edict published in *May* 1664, printed by *Prouk*.

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cond Edict in *December* 1674, which fixes the State of that Company, declares its Re-union to the Crown (*c*).

On its being known in *France* that *Quebec* was taken, the Members of the Company, formed under the Auspices of Cardinal *de Richelieu*, entered into a Treaty with the Governor *de Razilly*, who prepared a considerable Fleet (*d*), in order to recover what had been taken by the *English*, and to establish new Colonies; mean while the *English*, by a Treaty concluded at *St. Germain* on the 26th of *March* 1632 (*e*), restored *Canada* and *Acadia* to *France*.

This Treaty put an End to all the Acts of Violence, which had not been entirely stopped by a Treaty of Reconciliation carried on between the two Kings through the Canal of the *Venetian* Ambassadors, and concluded at *Susa* the 14th of *April* 1629 (*f*).

The Governor *de Razilly* nevertheless went to *America* in 1632, where he got a Grant of the River and Bay of *St. Croix* in *New France* (*h*), and obtained also that of *la Heve* on the Coast of *Acadia* (*i*), where, according to the *Sieur Denys*, he built a Fort, and fixed his Abode.

The

AUTHORITIES.

(*c*) See the Edict of *December* 1674, printed by *Prault*.

(*d*) *Champlain*, Part 2. pag. 309.

(*e*) Treaty of *St. Germain* of the 29th of *March* 1632. *Recueil de Leonard*, Tom. 5.

(*f*) Treaty of *Susa* of the 24th of *April* 1629, *Corps diplom.* Tom. 3. Part 2. page 580.

(*g*) *Charlevoix*, Tom. 1. page 410.

(*h*) Grant of the River and Bay of *St. Croix* in *New France* of the 16th of *May* 1632. *Dépôt de la marine*.

(*i*) Description des côtes de l'*Amerique septentrionale*, par le *Sieur Denys*, page 86, 94—99.

The principal Persons in these Countries were then the Governor *de Razilly*, and under him the Sieurs *de Charnisay* and *de la Tour*.

These last, at the Death of Governor *de Razilly*, divided the Command; the Sieur *de la Tour* had the Government of *Acadia*, and the Sieur *de Charnisay* that of the Coast of the *Etchemins* (*k*).

It was not long before this Division produced a Quarrel between them, and their Misunderstanding produced an open War. The Sieur *de la Tour* being accused of having obtained the Assistance of foreign Protestants (*l*), the Sieur *de Charnisay* received Orders to cause him to be arrested (*m*) if he did not return to *France*, and at the same time the Sieur *de la Tour* was stripped of his Possessions.

In consequence of this, the Sieur *de la Charnisay*, in 1647 (*n*), obtained Letters from the King, in which, under the Name of *Acadia* and its Confines, was confounded his Government and that of the Sieur *de la Tour*, before distinguished, the one by the Name of the *Etchemins*, and the other by that of *Acadia*.

The Sieur *de Charnisay* went still farther, for he improved this Circumstance, to obtain by the same Letters the Grant of the Country, which extends from *Cape-Canso* to the Mouth of the River *St. Laurence*, tho' that Country had never been made a part, either of his Government, or of that of the Sieur

M

de

AUTHORITIES.

(*k*) The King's Letter of the 10th of *February* 1638. Dépôt de la marine.

(*l*) The Sieur *de Charnisay*'s Patent, dated *February* 1647, communicated by the *English* Commissaries.

(*m*) The King's Letter of the 13th of *February* 1641. Dépôt de la marine.

(*n*) The Sieur *de Charnisay*'s Patent of the Month of *February* 1645.

Acadia. *de la Tour*; but no Regard was paid to this, for the King despoſed of it in favour of the *Sieur Denys* (o).

Such is the Origin of the falſe Names that have ſometimes been given to *Acadia*, by comprehending under it Countries that do not belong to it, and of all the Confuſion into which we are fallen in this Reſpect. This aroſe from the Avarice of the *Sieur de Charniſay*, who by this means ſought to advance his own private Intereſt.

The *Sieur de Charniſay* did not long enjoy either his Conqueſts, or the Grants he had obtained by Surprize; for he died in 1650. The *Sieur de la Tour* returned to *France*, juſtified his Conduſt, and in 1651 obtained Letters (p) nearly reſembling thoſe the *Sieur de Charniſay* had obtained in 1647.

However, neither theſe new Letters, nor the Death of the *Sieur de Charniſay*, could reſtore the Peace of the Country.

A Merchant of *Rochelle*, called the *Sieur le Borgne* (q), claimed the Inheritance of the *Sieur de Charniſay*, under the Pretence of certain Sums he had advanced for him to carry on the Settlement, and he was ordered to be put in Poſſeſſion.

On the other hand, *Charniſay's* Widow married the *Sieur de la Tour*; and in Virtue of this Alliance, pretended to have a Right not only to all Grants made to himſelf, but to thoſe made to the *Sieur de Charniſay*.

While they were pleading their Cauſes in *France*, *Acadia* and the adjacent Countries were in the greateſt Confuſion. It

was

AUTHORITIES.

(o) Patent of the *Sieur Denys* of the 30th of *January* 1654. Dépôt de la marine.

(p) Patent of the *Sieur de la Tour* of the 25th of *February* 1651, communicated by the *English* Commiſſaries.

(q) *Charlévoix*, Tom. 1. page 412,

was at this time that some of the *English* (r) again invaded the Possessions of *France* in 1654, in Time of Peace. They at first seized (s) Fort St. John, commanded by the *Sieur de la Tour*; from thence they went to *Port-Royal*, where was the *Sieur le Borgne*, who was obliged to capitulate on the 16th of *August* 1654 (t). They also seized *Pentagoet* and *la Heve*. However, the *Sieur Denys* was not disturbed by them in his Government: One of the principal Settlements of which was then that of *Chedabouctou* (u) near *Cape-Canso*, and the Island of the same Name.

The Year following a Treaty was concluded between the two Nations in the Month of *November* 1655: *France* demanded the Restitution of the Countries that had been taken; and the *English* pretending to have some Reasons for detaining them, the Decision of this Dispute was referred to Commissaries by the XXV. Article of the Treaty (w), but the Question was only decided by that of *Breda*.

The State of Indetermination which followed the Treaty of 1655, did not hinder *Cromwell* from making Grants of these very Countries in 1656 (x), as well to the *Sieur de la Tour*, who had been obliged to surrender for Want of Provisions, and

M 2

who

AUTHORITIES.

(r) Extract of the Instructions of the Count *d'Estades*, the 13th of *May* 1661. Dépôt des affaires étrangères.

(s) *Denys*, Tom. 1. page 8—10.

(t) Capitulation of *Port-Royal* on the 16th of *August* 1654. Dépôt de la marine.

(u) *Denys*, Tom. 1. page 131. and *Charlevoix*, Tom. 1. page 415.

(w) Treaty between *France* and *England*, concluded at *Westminster* on the 3d of *November* 1655. Corps diplomatique, Tom. 6. Part 2. page 121.

(x) A rude Translation of *Cromwell's* Grant of *Acadia* and *Nova-Scotia*, dated the 9th of *August* 1656. Dépôt de la marine.

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who acquiesced in the Government of the *English*, as to Col. *Temple* and Mr. *Crowne*; and the same Year, the Forts of *Pentagoet* and *St. John* were given up to Colonel *Temple* (y).

The Restitution of *Acadia*, and whatever had been taken from *France* in *America*, though stipulated by the Treaty of *Breda* (z) in 1667, was not executed till 1670.

The King of *England* gave Orders for its being performed in the Month of *December* 1667 (a); and these Orders were repeated on the 17th of *February* following (b). Colonel *Temple* at first deferred the Execution of them, because only *la Heve* and *Cape-Sable* belonged to *Acadia*, and the Forts of *Pentagoet*, *St. John*, and *Port-Royal*, did not. This we find expressly mentioned in one of his Letters (c) to the *Sieur du Bourg*, dated the 7th of *November* 1668.

On the 19th of the same Month he wrote a second Letter (d) to the *Sieur du Bourg*, in which he informed him, that he had received Orders from the King of *England*, dated the 1st
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AUTHORITIES.

(y) *Cromwell's* Order of the 18th of *September*, for restoring the Forts therein mentioned to Colonel *Thomas Temple*, communicated by his *Britannick Majesty's* Commissaries.

(z) Treaty of *Breda* of the 31st of *July* 1667, between *France* and *England*. *Corps diplomatique*, Tom. 7. Part 1. page 41.

(a) In a Letter from Colonel *Temple* to the *Sieur du Bourg*, dated the 7th of *November* 1668, it is shewn, that the first Orders were dated the 31st of *December* 1667.

(b) The King of *England's* Letters Patent for the Restitution of *Acadia*, of the 17th of *February* 1667-8, communicated by the *English* Commissaries.

(c) See the said Letter, and that of the *Sieur du Bourg* to the *West-India* Company of the 9th of *November* 1668, communicated by the *English* Commissaries.

(d) Colonel *Temple's* Letter to the *Sieur du Bourg*, dated *November* 29, 1668. *Dépôt de la marine*.

of *August* 1688, not to restore *Acadia* ; but this Counter-Order, the Motive for which we cannot perceive, was revoked on the 8th of *March* 1669 * ; and the last definitive Orders were sent the 6th of *August* the same Year (*e*) ; Colonel *Temple* conferred this Commission on Capt. *Walker* in the Month of *July* 1670 (*f*), and it was executed in the Months of *August* and *September* following (*g*).

Notwithstanding the Peace between the two Nations was restored by the Treaty of *Breda*, private Persons amongst the *English* could not avoid committing Acts of Hostility from time to time on the Coast of *Acadia*, and the neighbouring Countries, as well as in other different Parts of *America*.

In 1674 (*b*) an *Englishman* who had remained disguised for some Days in the Fort of *Pentagoet*, attacked that Fort with the Crew of a *Flemish* Corfair, and took it, and also Fort St. *John*. The Author of this Act of Hostility, who had no Commission, was disowned. He had received an *English* Pilot at *Boston*.

In 1680 (*i*) the Inhabitants of *Boston* again attacked the same Forts, which they had before abandoned ; and the Baron
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AUTHORITIES.

* Fresh Orders from the King of *England* to Colonel *Temple* for the Restitution of *Canada*, dated the 8th of *March* 1669. Dépôt de la marine.

(*e*) A repeated Order from the King of *England* to Colonel *Temple* for the Restitution of *Acadia*, dated *August* 6, 1669, communicated by the *English* Commissaries.

(*f*) Colonel *Temple*'s Commission to Captain *Richard Walker* of the 7th of *July* 1670, communicated by his *Britannick* Majesty's Commissaries.

(*g*) Certificates of the Restitution of Fort *Pentagoet*, and of those of *Gemiseck* and *Port-Royal*, of the 5th and 27th of *August*, and the 2d of *September* 1670, communicated by the *English* Commissaries.

(*b*) *Charlevoix*, Tom. I. page 450.

(*i*) *Idem*, Tom. I. page 463.

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de St. Castin, who had relieved that of *Pentagoet*, was in 1687 (*k*) summoned on the Part of the Government of *New England*, to evacuate it. Thus did they then regard the Restitutions stipulated by the Treaty of *Breda*.

These different Acts of Hostility committed in Time of Peace, occasioned the making of two successive Treaties, in 1686 (*l*), and 1687 (*m*), for re-establishing the Tranquillity of *America*, and to endeavour to secure it for the Time to come.

The War again broke out between the two Nations; and in the Month of *May* 1690 (*n*) the *English* appeared before *Port-Royal*, which surrendered to them. However, their Stay there was but very short; for they kept it only twelve Days, and then it was in a manner left to itself. Through the whole Course of that War, it was in the Possession of those that were strongest, but it was solely and constantly inhabited by the *French*.

The *English* who had taken *Port-Royal*, at length attack'd *Chedabouctou* (*o*), which was obliged to capitulate: They then entered the River St. *Laurence*, and arrived before *Quebec*, in the Month of *October*, the same Year 1690; but were obliged to break up the Siege (*p*).

Two Years after, in 1690, the Governor of *New England* made

AUTHORITIES.

(*k*) *Charlevoix*, Tom. 1. page 520.

(*l*) Treaty of Neutrality for *America* between *France* and *England*, of the 16th of *November* 1686. Corps diplomatique, Tom. 7. Part 2. page 141.

(*m*) Provisional Treaty of *Whitehall* between *France* and *England* concerning *America*, of the 16th of *December* 1687. Dépôt des affaires étrangères.

(*n*) *Charlevoix*, Tom. 2. page 66—70.

(*o*) Idem, Tom. 2. page 71.

(*p*) Idem, Tom. 2. page 79—89.

made an Attempt to seize a Fort situated in St. John's River, and to carry off the Chevalier *de Villebon*, who was the Governor of that Fort ; but the *English* failed in the Attempt (*q*).

The Peace which was concluded in 1697, restored the Tranquillity of *America* ; and left the *French* in the Possession of what belonged to them : but this Peace was not of long Duration, a War between the two Nations breaking out again in 1702.

In 1704 the *English* attacked *Port-Royal* without being able to take it (*r*) ; they again made the same Attempt at two different times in 1707, but without Success (*s*) : but in 1710 (*t*) they attacked and took it by Capitulation.

The Treaty of *Utrecht* put an End to the War in 1713. By that Treaty (*u*) *France* ceded to *England* all *Acadia*, according to its ancient Limits. This is the only Title by which the *English* can reclaim that Province.

This is, in a few Words, a summary History of the Troubles and Revolutions of *Acadia*. As many of the Arguments employed by the Commissaries of his *Britannick* Majesty are drawn from Circumstances in these different Events, we have thought it indispensibly necessary to give them in Connection, and in their natural Order. This is the true Method of settling all the Consequences that may be drawn from them in their true Light, and at the same time of dissipating the false Lights by which we may delude ourselves, when we do not see the Object

AUTHORITIES.

(*q*) *Charlevoix*, Tom. 2. page 120, 121.

(*r*) *Idem*, Tom. 2. page 297 and 298.

(*s*) *Idem*, Tom. 2. page 314—321.

(*t*) *Idem*, Tom. 2. page 343—346.

(*u*) Treaty of Peace between *France* and *England*, concluded at *Utrecht* the 21st of *April* 1713. *Corps diplomatique*, Tom. 8. Part 1. page 339.

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Object entire. In fine, we may perceive, in the train of Events, the Occasions and Motives to Avarice that have engaged Individuals to extend the Dominion of *Acadia* to Countries that do not belong to it, and, by that Means, confounding its true and ancient Limits, to which the Treaty of *Utrecht* reduces the Cession made to *England*.

A R T I C L E IV.

Of the Opinion of the English Commissaries, concerning the Right of the French to Acadia.

AS this Article cannot be discuss'd without examining what is included in the Memorial of his *Britannick* Majesty's Commissaries, it has appeared necessary to number all the Paragraphs from I. to LXXXIV. in order the more easily to point out the Paragraphs we shall have occasion to mention.

The *English* Commissaries have communicated many Pieces, in support of their Memorial, which we shall also have occasion to mention more than once.

It is one of their Pretensions, that *France* has possessed *Acadia* only in Virtue of the Gifts and Cessions of *England*.

From hence it would follow, that when at the Peace of *Utrecht*, *England* entered into the Possession of that Country, she did no more than enter into the Possession of her ancient Dominions, and that we ought to determine the Extent of them by the Treaties of *St. Germain* and *Breda*, which must have made a Cession of them to *France*.

This System cannot be supported, without annihilating all Histories and all Records.

1. The mere Mention of the Facts related in the preceding Articles

Articles incontestibly proves, that the *French* were settled in that Part of *America* before the *English*; it is therefore the ancient Dominion of *France*, and not of *England*.

2. According to the System of the *English* Commissaries, *France* would have made a *Restitution* to *England*; but the Treaty of *Utrecht* declares it to be a *Cession*.

3. The Treaties of *St. Germain* and *Breda* ought, at least, to have made some mention of the *Gifts* and *Cessions* which *England* pretends to have made to *France* by these Treaties: But, on the contrary, they declare, that it is a *Restitution*, and consequently prove that these Countries had formerly belonged to *France*.

To establish the Opinion of the *English* Commissaries, it would not be less necessary to change the Nature of the Treaty of *Utrecht*, than that of the Treaties of *St. Germain* and *Breda*.

We cannot dispense with mentioning different Parts of their Memorial, and with making mention of the different Pieces by which they have pretended to support their System. A few summary Reflections will be sufficient to destroy all the Inductions they would draw from them.

The Commissaries of his *Britannick* Majesty have produced the Extract of a Memorial of a private *Englishman* relating to *Nova Scotia* (a), where it is said, "That in 1654, *Cromwell* "having a Fleet at *New England*, under the Command of "Major *Sedgwick*, ordered him to sail towards *Nova Scotia*, and "to summon the *French* Governor to surrender; that Country "being anciently a Part of the Dominions of *England*, to which "the *French* had no legal Right."

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AUTHORITY.

(a) See Mr. *Crowne's* Memorial on the Invasion of *Acadia* in 1654.

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In a Petition of another *Englishman*, named *John Nelson*, which was also communicated by his *Britannick Majesty's* Commissaries, it is said (b), *That Nova Scotia and Acadia were first discovered and planted by Sir William Alexander; that he ceded that Country to the Sieur de la Tour, who had the peaceable Enjoyment of it till the English, then under a Republican Government, took it in 1654; and on some false Pretences of the French Ministers, that this Country formerly belonged to the Crown of France, Charles II. consented to restore that Country to France.*

The *English* Commissaries caused the Count *d'Estrades* (c) to be told (Parag. VII.) that *France* had the peaceable Enjoyment of *Acadia* in consequence of the Treaty made with *England* at *St. Germain*, in 1632, as if that Treaty had been a Title of Property.

Among the Observations made by them on the Execution of the Treaty of *Breda*, the third (Parag. XXII.) begins with these Words, *That by the 10th Article of the Treaty of Breda, Acadia was ceded to the Crown of France.* It is added in the same Article, that it is *in consequence of that Treaty that France possessed Acadia.*

We find the same Idea in Parag. XXIV. where they cite the (d) Instructions given by the *Queen of England* to her Plenipotentiaries at the Treaty of *Utrecht*, by which she orders them, to insist that *France* should desist from all her Rights and Pretensions to *Nova Scotia*, in Virtue of any preceding Treaty. This very Passage relating to the Instructions of the *English* Commissaries, is repeated a second time in Parag. LXVII.

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AUTHORITIES.

(b) See *Mr. Nelson's* Petition, dated 1697.

(c) Count *d'Estrades's* Letter of the 13th of *March* 1662.

(d) See the *Queen of England's* Instructions to her Plenipotentiaries at the Congress of *Utrecht*, of the 23d of *December* 1711.

In Paragraph LV. where the Commissaries of her *Britannick* Majesty would explain the XIIth Article of the Treaty of *Utrecht*, and particularly those Words *totam Acadiam*, they pretend, that *Acadia* was ceded to the *English* by the Treaty of *Utrecht*, with the same Limits with which it had been ceded to *France* by the Treaty of *Breda*; and immediately after the same Terms are found repeated, that *Acadia* was ceded to *France* by that Treaty.

In Paragraph LVI. it is again declared, that *France* had possessed *Acadia* in consequence of the Treaty of *Breda*.

They endeavour to represent a Right of Property as consisting in a simple Act of Possession: And this is the Idea naturally contained in the Expressions employed by the *English* Commissaries in Paragraph LXXV. *while the French were in Possession of Nova Scotia or Acadia*; which seems at the same time to indicate, that the *French* have possessed a Colony under the Name of *Nova Scotia*.

In short, in Paragraph LXXXII. it is said, that *Great-Britain* has insisted, that *Nova Scotia* was ceded to her in the same extent with which it was given to *France* by *England*, in consequence of the Treaty of *Breda*.

It may be seen from these different Passages, how they have endeavoured to dispose the Mind to receive two Impressions, that are of great Importance with respect to the Establishment of the new System adopted by the *English*; the one, assimilating, as much as possible, the Treaty of *Utrecht* with that of *Breda*; and the other to raise the Belief, that *France* has possessed *Acadia* only in Virtue of the Cessions made to her by *England*.

All that the *English* Commissaries have advanced on the Gifts

Acadia. and Cessions made to *France* of *Nova Scotia* or *Acadia*, by the Treaties of *St. Germain* and *Breda*, is overthrown by the bare Inspection of those very Treaties.

1. We do not find in these Treaties (e) the Word *Nova Scotia*, used in the Manner in which it is explained by the *English* Commissaries.

2. We do not find in these Treaties the Terms *cede* or *give*; but only that of *reflore*, which carries the Idea of rendering to the Person who receives what belonged to him before; from whence it follows, that *Acadia* has anciently belonged to *France*.

To leave nothing obscure or doubtful in relation to these Treaties, we shall here repeat the III^d Article of the Treaty of *St. Germain* on the *Restitution* of *New France*, *Acadia*, and *Canada*; and the Xth Article of that of *Breda*, on the *Restitution* of *Acadia*.

Article III. of the Treaty of St. Germain, in 1632.

“ On the Part of his Majesty of *Great-Britain*, the said
 “ Ambassador, in Virtue of the Powers with which he
 “ is invested, which will be inserted at the End of these Pre-
 “ sents, hath and doth promise, for and in the Name of his said
 “ Majesty, to *render* and *reflore* to his Most Christian Majesty
 “ all the Places possessed in *New France*, *Acadia*, and *Canada*,
 “ by the Subjects of his said Majesty of *Great-Britain*, who
 “ are to be caused to retire from the said Places: And to this
 “ Effect the said Ambassador will deliver, at the Time of the
 “ signing and sealing of these Presents, to the Commissaries of
 “ the

AUTHORITY.

(e) See the Treaties of *St. Germain* in 1632, and of *Breda* in 1667.

“ the Most Christian King, in good Form, the Powers he has
“ received from his Majesty of *Great-Britain*, for the *Restitu-*
“ *tion* of the said Places, &c.”

Article X. of the Treaty of Breda, in 1667.

“ The before-mentioned Lord, the King of *Great-Bri-*
“ *tain*, shall also *restore* and *render* to the above-men-
“ tioned Lord, the Most Christian King, or to those who shall
“ bear his Authority and Mandate, signed with the Broad Seal of
“ *France*, the Country called *Acadia*, situated in *North America*,
“ which the Most Christian King has formerly enjoyed ; and
“ in order to execute this Restitution, the above-mentioned
“ King of *Great-Britain* will, immediately after the Ratification
“ of the present Alliance, furnish the above-mentioned King
“ with all the Acts and Mandates, dispatched in due and good
“ Form, necessary to this Purpose, or will cause them to be
“ delivered to those of his Ministers and Officers, who shall be
“ appointed by him to receive them.”

It would be needless to comment on these Articles ; but it appears that it would be more proper to make use of the Expressions used in Treaties, when they are clear and determinate, than to substitute others which convey very different Ideas.

The Count *d'Estades's* Letter, of the 13th of *March* 1662, cited by the *English* Commissaries, says, simply, that since the Treaty of *St. Germain*, the *French* had the peaceable Enjoyment of *Acadia* till 1654 ; but it does not say, and it cannot be inferred from thence, that this Treaty supplied the Place with respect to the *French*, of a Right of Property to the Country. This may be easily proved by the Letter itself.

Acadia.

As to the particular Sentiments of Mess. *Crowne* and *Nelson*, which pretend that the Countries comprehended under the Denomination of *Nova Scotia* or *Acadia*, are the ancient Inheritance of *England*, to which *France* had not any lawful Right ; it is a Mistake founded only on the private Interest of those Individuals, and is incompatible with the Truth of Facts, as has been shewn by the History of the Establishment of the two Nations in *America*.

Besides, the Circumstances of Mr. *Crowne's* Relation are deficient in point of Accuracy ; but the Consequences he draws from them, are still more void of Reason. If *Cromwell* had caused the *French* Governor of *Acadia* to be summoned to surrender that City on account of its constituting a Part of the Dominions of *England*, it must on his Part be no more than a Pretence ; and a Pretence intirely unwarrantable, decided at all Events by subsequent Treaties ; but it seems that greater Credit ought to be given to the Count *d'Esfrades*, than to a private *Englishman* guided by personal interest, and whose Representations were considered as frivolous even in *England*. Now according to this Ambassador's same Letter of the 23d of *March* 1662, which has been cited by his *Britannick* Majesty's Commissaries, the *English* covered the Invasion of *Acadia* under the Pretence of Reprisals.

On the other hand, history, and all Records, contradict that State of Tranquillity which Mr. *Nelson* supposes the *Sieur de la Tour* enjoyed, as a Consequence and natural Effect of Sir *William Alexander's* making him the Grant of *Acadia*. His is a Supposition void of all Truth and Probability. We shall have Occasion to discuss this Fact in the following Article.

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The Explications we are going to enter upon, will make it evident, that the Pretence of the Commissaries of his *Britannick* Majesty, in relation to the Gifts and Cessions of *Acadia* made by *England* to *France*, is not only destitute of all Proof, but contrary to the Treaties of *St. Germain* and *Breda*, and to historical Facts.

A R T I C L E V.

Of Nova Scotia.

BEFORE the Treaty of *Utrecht* the Name of *Nova Scotia* had never been heard of in *France*; this Term was as foreign to the *French* as that of *Annapolis-Royal*.

Till the Treaty of *Utrecht*, *Port-Royal* preserved the Name it had received from the *French* in 1604, before the *English* had any Settlement in *America*; but that Town falling into their Hands by the Cession made of it to them, it received a new Name, which they thought proper to give it in honour of Queen *Anne*.

They were at liberty to do with respect to a Province, what they did with respect to a Town; in consequence of which, what was before called *Acadia*, they denominated *Nova Scotia*, in honour of one of the Kingdoms of which their Monarchy is composed.

The Treaty of *Utrecht* has adopted these two new Denominations, which became indifferent to *France*.

The Diversity of Names can neither alter nor change the State of the Question; we must therefore adhere to the Treaty of *Utrecht*, according to which the present *Nova Scotia*, and the ancient *Acadia*, are only one and the same Country.

A double Cession has not been made to *England*; the one of
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Acadia.

Nova Scotia, and the other of *Acadia*; but purely and simply the Cession of one and the same Country, which since the Treaty of *Utrecht* is called *Nova Scotia*, and which was before included only in *Acadia*, according to its ancient Limits.

France, indeed, having never possessed any Colony in *America* under the Name of *Nova Scotia*, could cede nothing under that Name, without joining immediately to it an Explication of what was to be understood by that Denomination, and this is what has been observed in the Treaty of *Utrecht*.

It cannot be said, that *France* intended to cede under a Name that had no Existence, at least with respect to her, more than she ceded under a well-known and real Denomination; and it is certain, and even acknowledged in the Course of the Conferences, by the Commissaries of his *Britannick* Majesty, that whatever *France* has not ceded, ought still to belong to that Nation.

There is no want of Proof, that *France* has never possessed any Colony under the Name of *Nova Scotia*; it has been proved, not only that the Countries the *English* Commissaries would comprehend under that Denomination belonged to the *French* long before the Treaty of *Utrecht*, but that they have enjoyed it under different Names, as *New France*, or *Canada* in general, for the greatest part, and in particular under those of *Norumbegue*, *Etchemins*, *Baye-Françoise*, *Acadia*, Great Bay of *St. Lawrence*, and *Gaspesia*. Nothing can be added that will more completely shew how far the contrary Proposition is destitute of Proof, than the Examination of the Reasons alledged by his *Britannick* Majesty's Commissaries, for giving Existence to a Colony merely ideal.

These Allegations may be reduced to six.

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FIRST ALLEGATION on the Existence of Nova Scotia, Paragraph XLI. drawn from the Letters Patent of James I. dated the 10th of September 1621 (a), by which that Prince grants Nova Scotia to Sir William Alexander: This first Proof is supported by the Extract of a Representation made to Queen Anne by the Board of Trade and Plantations, where, in repealing James the First's Grant, it is said (b) that Sir William Alexander took Possession of it, drove out the French, and settled a Colony there.

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A N S W E R.

Of all the Proofs alledged by the *English* Commissaries, this first is doubtless the most important, since it relates to the very Piece from whence they pretend to learn the Origin of the Name of *Nova Scotia*.

It is sufficient to read the Charter in question to be convinced, that *James I.* there opposes a Condition, on which the Creation and Existence of *Nova Scotia* was to depend, viz. in case the Country he granted under that Name, should be without Inhabitants to cultivate it, or if it was inhabited by Infidels, he should cause them to be converted to the Christian Religion: *Si vel ipsa regna cultoribus prius vacua, vel ab infidelibus quos ad Christianam converti fidem ad Dei gloriam interest, plurimum infessa.*

But though this Clause had not been inserted in the Charter of 1621, it ought at least to be considered as understood, because it is but common Justice; and according to all Laws,

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both

AUTHORITIES.

(a) See the said Letters Patent.

(b) Extract of a Representation made to Queen Anne, by the Board of Trade and Plantations,

Acadia.


both divine and human, the Grant of a Country planted and possessed by another Power, is in its own Nature null and void.

In this Manner do we find the Grant of the Country bestowed by *James I.* His Letters Patent are dated the 10th of *September 1621*; and yet the very same Countries had been granted by the King to the *Sieur Monts*, by Letters of the 8th of *November 1603 (c)*, settled the Year following in 1604 (*d*), and continually possessed till Mr. *Kirk's* Irruption.

These first Settlements are not only prior to the Letters Patent granted in 1621, by *James I.* to Sir *William Alexander*, but also to the Letters of the same King in 1606, for granting to two different Companies some Parts of the Countries situated between the 34th and 45th Degrees.

Those that had been granted to Sir *William Alexander*, being therefore found occupied by the *French* who had formed Settlements which they have never since abandoned but by Violence, the Grant of *James I.* ought to be considered as, in all respects, null and void: And, consequently, the Name of *Nova Scotia*, which could not become real but by this Grant, had then no Existence; it was a mere empty Name that had no Signification, as was observed in the Course of the Conferences.

In regard to the Representation made to *Queen Anne*, in 1709, by the Board of Trade and Plantations, it is surprising to find it so inaccurate.

It is said (*e*) that Sir *William Alexander*, after having obtained
 a Grant

AUTHORITIES.

(*c*) See the said Letters.

(*d*) *L'Escharbot*, page 432, and following.

(*e*) See the said Representation of the 2d of *June 1709*;

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a Grant from *James I.* in 1621, established a Colony there, and drove out the *French*.

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In the first place, there had never been any *English* or *Scots* Inhabitants in the pretended *Nova Scotia*; that Country, before the Treaty of *Utrecht*, being only peopled and inhabited by the *French*.

In the second place, we need but open all the ancient Accounts that mention Sir *William Alexander*, to find, that having obtained the Charter in question, he sent a Ship, which in 1623 failed by a Part of the Coast of *Acadia*, and returned to *England* (f), without even attempting to plant a Settlement: And the Name of a Settlement cannot be given to the transient Invasion in 1628.

In the third place, if it was true that Sir *William* drove out the *French* in 1623, or before, which it is not, this would be a Proof that there were *French* in the Country; that it was not uninhabited; that Sir *William* could not possess it upon the Terms of the Charter; and that consequently his Charter was null and void.

The SECOND ALLEGATION on the Existence of Nova Scotia, Paragraph XLII. drawn from the Letters Patent of Charles I. of the 12th of July 1625 (g), confirming that of James I. of the 10th of September 1621.

AUTHORITIES.

(f) *De Laet*, page 62.

(g) See the said Letters Patent.

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A N S W E R.

The Letters of the 10th of *September* 1621, being found null and void, as we have just demonstrated, those confirmed them, have confirmed nothing, and are themselves null for that very Reason. Besides, all the Objections made against the first Letters have their full Force against the second: the Country was settled and possessed by the *French*.

The THIRD ALLEGATION on the Existence of Nova Scotia, in the XLIII^d, XLIVth. and XLVth Paragraphs, founded on the Presumption that the King would have confirmed to the Sieur de la Tour, in 1651, all the Rights and Grants in Nova Scotia made over to him by Sir William Alexander.

A N S W E R.

This Fact is equally void of Truth and Probability. His *Britannick* Majesty's Commissaries could not proceed upon more false Relations.

All that has been alledged with respect to the *Sieur de la Tour*, is in a great measure drawn from obscure and inaccurate Memorials.

It is supposed in the one (c) that the *Sieur de la Tour* and his Son took Refuge in *England* on Account of Religion. In the other (d), that the Father had been taken and sent into *England* by Mr. *Kirk* in his Expedition against *Acadia* and *Canada* in 1628, and this makes no mention of the Son.

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A U T H O R I T I E S.

(c) First Extract of the Representation of *Lewis Kirk*.

(d) Extract of a Memorial on the Affairs of Mess. *Eliet, de la Tour, Crovone, and Temple*.

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One of these Writings (*e*) fixes the Time of the *English* Grant made to the *Sieur de la Tour* on the 12th of *April*; the other (*f*) on the 30th. The one says (*g*), that it was made to the *Sieur de la Tour*, and does not mention the Son; the other (*h*) says, it was made both to the Father and the Son. The one (*i*) relates, that they had been created Barons with the Prerogatives of Marquis, which would form a very singular Title; the other (*k*) only gives them the Title of Barons. In one Place (*l*) it appears that the Grant was made as a Reward for Services performed; in another Place (*m*) it was of future Fidelity.

To give some light to the Facts in Question, we shall give a summary View of those that relate to the *Sieur de la Tour*.

They were settled in *Acadia* in 1609. The Letters Patent granted to the Son in 1651, declare, that he had passed forty-two Years in *Acadia*.

Thus, the first Settlements of the *Sieur de la Tour* were before the Charter granted in 1621, to Sir *William Alexander*; and, consequently, before the Name of *Nova Scotia* existed even in Idea.

In 1628, the *Sieur de la Tour*, sen. repairing to *Canada* was taken Prisoner by Mr. *Kirk*, and sent to *England*, where he betrayed

AUTHORITIES.

(*e*) First Extract of Mr. *Crowne's* Memorial.

(*f*) Second Extract of Mr. *Crowne's* Memorial.

(*g*) Extract of the Right of the Crown of *England* to *Nova Scotia*.

(*h*) First and second Extract of Mr. *Crowne's* Memorial, and that of a Memorial on the Affair of Mess. *Elliot, de la Tour, Crowne, and Temple*.

(*i*) Extract of a Memorial on the Affair of Mess. *Elliot, de la Tour, Crowne, and Temple*.

(*k*) First Extract of Mr. *Crowne's* Memorial.

(*l*) First and second Extract of Mr. *Crowne's* Memorial.

(*m*) Ibid,

Acadia.

betrayed his Prince and his Country. It is pretended that Sir *William Alexander* conferred upon him ample Grants, probably, to him, as well as his Son, and that *de la Tour*, the Father, promised in return to reduce *Acadia* to his Obedience. He returned to *America*. His Son was Governor of the Fort of *Cape-Sable*, on the Coast of *Acadia*. The Father solicits him to give up the Place, and he refuses. The *English* attack it, but without Success.

The Father could reap no Advantage from the pretended Grants that had been made him, because his treasonable practices were unsuccessful: For the Son rejected the Gift Sir *William Alexander* had impowered him to offer; and therefore their pretended Grants were without Effect.

De la Tour the Son obtained a new Grant of the *French Company* in 1635, on *St. John's River* (n). There was no Thought of confirming those of Sir *William* there.

At length the *Sieur de Charnisay* formed Accusations against *de la Tour*, in consequence of which, he was turned out of his Post. *De la Tour* then went to *France*, vindicated himself, and obtained from the King, in 1651, Letters, by which he was made Lieutenant-General in *Acadia*, and the adjacent Countries: The same Letters re-established him in his former Post, and confirmed the Grants that had been made him. It is evident that these could only be such as he had by the King's Authority; those that he had defended against the *English*, and which he possessed long before there was any such Name as that of *Nova Scotia*.

In 1654, the *English* seized *Acadia*, and besieged and took the *Sieur de la Tour*; he submitted to their Dominion, and obtained

AUTHORITY.

(n) See the said Act of Concession.

obtained new Grants even from *Cromwell*, in 1656 (o). This, if ever, was the time for confirming the Grants made him by Sir *William Alexander*; they, however, were not confirmed, and nothing can more plainly prove, that they were considered, even by the Government of *England*, as vain and fallacious.

The FOURTH ALLEGATION on the Existence of Nova Scotia, the IXth and XLVIIIth Paragraphs, drawn from Oliver Cromwell's Order in 1656 (p), where the Forts of St. John, Port-Royal, and Pentagoet, are represented as in Acadia, commonly called Nova Scotia.

A N S W E R.

This Allegation is no more conclusive than the preceding. The *English* being possessed of these Countries in 1654, as has been said above, *Cromwell* was pleased, in an Act without any solid Foundation, and where no body could contradict him, to declare, that *Acadia* was commonly called *Nova Scotia*: We have shewn that this was a mere frivolous Name, that had no real Existence; an unjust Proceeding could not give it a lawful Existence, and the Name ought to have ceased with the Invasion. Thus the Treaty of *Westminster* in 1655, cited by the Commissaries of his *Britannick* Majesty, does not mention either the Name of *Nova Scotia* or that of *Acadia*; because the first would certainly not have been admitted by the *French* Plenipotentiaries, and the last would have visibly unmasked

A U T H O R I T I E S.

(o) *Cromwell's* Grant to Mess. *de la Tour*, *Crowne*, and *Temple*, of the 9th of *August* 1656.

(p) *Cromwell's* Order to Mess. *Leverett*, of the 18th of *September* 1656.

*Memorial of the French Commissioners.**Acadia.*

masked the Proceedings of *Cromwell*, and made it evident that his Possession of that Country was an Usurpation. *North America* is not even named in that Treaty (q).

The Terms made use of by *Cromwell*, ought to be considered only as an Artifice. He substituted an *English* in the room of the true *French* Name, in order by that means to authorise an Invasion made in time of Peace, as if the *English* had only taken Possession of a Country that lawfully belonged to them.

The FIFTH ALLEGATION on the Existence of Nova Scotia, Paragraph XLIX. founded on a Memorial presented to the Court of England by the French Ambassador (r) in 1685, where the Coasts of Acadia are called, Coasts of Acadia or NOVA SCOTIA.

A N S W E R.

After having read with Attention the Memorial presented by the *French* Ambassador in 1685, where it is said, that Ambassador has called *Acadia* by the Name of *Nova Scotia*, we cannot find the Word *Nova Scotia* once mentioned in the Body of the Memorial.

It will be sufficient to remove that Inadvertence, if we destroy the Argument they would draw from that Piece ; but it is not at all extraordinary that a *French* Minister in *England* has suffered himself to be surprized by the Arts with which the *English* Writers have endeavoured to establish that Name, without its having any Reality, from the Hope that it might at length acquire it. This is the Method they took, in Books and Charts,
long

A U T H O R I T I E S.

(q) Treaty of Westminster, of the 3d of November 1655.

(r) The *French* Ambassador's Memorial of the 16th of January 1685.

long before the Treaty of *Utrecht*: But mere *English* Expressions, though they were adopted by the *French* Minister at the Court of *England*, are not Titles, and cannot give Existence to a Colony that had no Existence before.

It is a certain, constant, and invariable Truth, that in 1685 *England* possessed no Colony under the Name of *Nova Scotia*, and that *France* never at any time possessed one under that Name.

All the Writings that can be produced, as Grants, Regulations to Governors and other Officers, Orders from the King, Capitulations, Treaties made with *England*, Histories and Relations, are so many Proofs that *France* has possessed that Country under other Denominations, but not under that of *Nova Scotia*, and that the *French* Government never made use of that Name before the Treaty of *Utrecht*.

The SIXTH ALLEGATION on the Existence of Nova Scotia, the 11th Paragraph, drawn from the Treaty of Utrecht, and the Act of Cession in consequence of it, where the Country ceded is called Nova Scotia.

A N S W E R.

The King's Commissaries never disputed that the Word *Nova Scotia* was used in the Treaty of *Utrecht*: They have, on the contrary, drawn their Arguments from this Treaty, and have said that it is precisely the Treaty of *Utrecht* that has given a real Existence to *Nova Scotia*: Thus, when his *Britannick* Majesty's Commissaries pretend to prove the Existence of *Nova Scotia* by the Treaty of *Utrecht*, they concur, as far as a certain Point, with the King's Commissaries, who farther maintain, that *Nova Scotia* has not, and never had Existence but by that Treaty.

Acadia.

The *English* Commissaries confound, throughout the whole Course of their Memorial, the ideal *Nova Scotia* of 1621, with the *Nova Scotia* in the Treaty of *Utrecht*, and both with *Acadia*, without the Distinction of ancient Limits, in order, by this means, to extend their Pretensions, as far as they are able, whenever they please. This is the Idea they form of the Name *Nova Scotia*, or that of *Acadia*.

When we cannot avoid admitting, as a certain and incontestible Fact, that *Nova Scotia* has not, and never had its Existence but by the Treaty of *Utrecht*, there flows from it a necessary Consequence, which is, that *Nova Scotia* has been ceded to *England*, not according to the Extent it might before have in Idea and Imagination, since that never had any Existence; but according to the Extent given it in the Treaty itself: *France* has ceded to *England* the *Nova Scotia* of the Treaty of *Utrecht*, but not the *Nova Scotia* of 1621, nor even of the Years 1628 and 1654, in which a part of the Country they would include under that Name was possessed by *England*.

Now the *Nova Scotia* of the Treaty of *Utrecht* is exactly defined by that Treaty itself; it is *Acadia* according to its ancient Limits, with its Appurtenances and Dependencies.

In vain do the Commissaries of his *Britannick* Majesty pretend;

1. That the Words *Nova Scotia* and *Acadia* have always had one and the same Signification. *Parag.* LII.

2. That however, all the Territory which at any time has been called by either of these Names, has been ceded to *Great-Britain*. *Parag.* LIV.

3. That *France* intended to cede to *England*, *Nova Scotia*, with its ancient Limits. *Parag.* LXVII.

The Explication of these three Allegations is sufficient to overthrow all the Inductions they would draw from them.

As to the first, which turns upon the Identity of *Acadia* and *Nova Scotia*, and to which the two others, strictly speaking, are only Corollaries, they ought to distinguish, as has already been observed, the *Nova Scotia* of the Treaty of *Utrecht*, from the *Nova Scotia* of 1621, which last is merely ideal. The Treaty of *Utrecht* has expressed the Extent of *Nova Scotia*, to which it gave Existence; and that *Nova Scotia* is *Acadia* according to its ancient Limits.

Consequently, we ought also to distinguish the ancient Limits of *Acadia*, that we may not confound with the ancient *Acadia*, Countries to which that Name has been improperly given in later Times; this Distinction is evidently founded on the Treaty of *Utrecht* itself.

Of all these different Denominations, there are but two that are synonymous; the actual *Nova Scotia*, or that of the Treaty of *Utrecht*, and ancient *Acadia*. The other Denominations only serve to confound our Ideas, and can never be made to agree either with each other, or with the Treaty of *Utrecht*.

The *English* give to their Possessions what Name they think proper, but in Fact and Reality, according to the Letter, and the Spirit of the Treaty of *Utrecht*, *France* has ceded to *England* *Acadia*, according to its ancient Limits, with its Appurtenances and Dependencies, as also *Port-Royal*, and has ceded nothing more on that Part of the Continent of *North America*.

The second Allegation of the *English* Commissaries is directly contrary to the Treaty of *Utrecht*. It cannot be proved, that *France* has ceded to *England* all that has ever been called *Acadia* at any time whatsoever, when the Act of Cession restrains it expressly and formally to *Acadia*, according to its ancient Limits.

The third Allegation, that *France* had ceded to *England*, *Nova Scotia* with its ancient Limits; is mentioned with a View

Acadia.

to substitute the Limits marked out by the Charter of 1621, in the room of the ancient Limits of *Acadia*, mentioned by the Treaty of *Utrecht*. That Treaty imports the Cession of *Nova Scotia*, otherwise *Acadia*, according to its ancient Limits, and not the Cession of *Acadia*, or *Nova Scotia*, with its ancient Limits.

The ancient Limits which the Treaty imports, are those of *Acadia*, and not those of *Nova Scotia*. It is therefore a sufficient Reply to the *English* Commissaries Allegation on this Point, to restore the Terms of the Treaty, to the Order in which the Treaty places them, and this is the only one which they can and ought to have.

From all that has been said it follows, that the *English* can reclaim under the Name of *Nova Scotia* and *Annapolis-Royal*, only what *France* has formerly possessed under the Name of *Acadia*, conformably to its ancient Limits, and under that of *Port-Royal*: So that the whole dispute is reduced to the Determination of what were the ancient Limits of *Acadia*; and whatever does not tend to this, is foreign to the State of the Question.

ARTICLE VI.

An Examination of the English Commissaries Memorial. Inductions drawn from the Commissions of the Sieurs de Charnifay and de la Tour.

THE Answer to the Memorial of the Commissaries of his Britannick Majesty, may be confined to one single Principle, which overthrows their whole System to the very Foundation; namely, that all that results from the Allegations, Memorials, and Papers made use of by them, is foreign to the Subject of the present Dispute.

In Reality, whatever they have alledged with respect to the Limits of the ideal *Nova Scotia*, has not any relation to the Question, since, as we have already shewn, we have nothing to do with that, but with the real *Nova Scotia*, whose Extent and Limits have been determined by the Treaty of *Utrecht* itself.

What they have alledged, with respect to the Limits of *Acadia* without Distinction of Time, is equally foreign to the present Question; because it does not belong to all that may at any time have been called by the Name of *Acadia*; but only to *Acadia* according to its ancient Limits, as the Treaty of *Utrecht* itself imports.

But that nothing may be left behind on this Subject, we shall particularly answer in this, and the following Articles, all the Reasons offered in their Memorial, and shew that they are false and inaccurate, or do not belong to the present Question, or in short, shew the Difference between the Result of those Proofs, and the *English* Pretensions.

We shall begin with examining the Letters Patent granted to the *Sieur de Charnisay*, in 1647, and to the *Sieur de la Tour* in 1651.

The Commissaries of his *Britannick* Majesty pretend to determine the Limits of *Acadia*, by those the Government has given them by these Grants (a).

But here, their Governments ought to have been confined to *Acadia* according to its ancient Limits; but this was so far from being the Case, that their Grants extended to *Acadia* and the Countries on its Confines (b).

These

AUTHORITIES.

(a) The Memorial of the Commissaries of his *Britannick* Majesty, Paragraphs II. III. and VI.

(b) Letters to the *Sieur d'Aunay de Charnisay*, constituting him Lieutenant-General of the Coasts and Confines of *Acadia*, dated February 1647, and the like Letters to *Charles de St. Stephen*, *Sieur de la Tour*, of the 25th of February 1651.

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These last Expressions are taken from the Commission granted to the *Sieur de Monts*, in 1603 (c); and we need only read it in order to be convinced, that this meant that it extended to the *neighbouring Countries*. This Assertion will be explained in Article XVIII, of this Memorial.

Now, *France* has not ceded to *England Acadia* and the *neighbouring Countries*; but only *Acadia according to its ancient Limits, with its Appurtenances and Dependencies* (d).

They will never be able to prove, that by the Appurtenances and Dependencies of a Country, we ought to understand these that are in its Neighbourhood. Proximity and Dependence are two different and distinct Ideas; and their Confusion would endanger the Limits of every State.

It ought also to be remarked, that these Limits, tho' they extended to the Confines bordering on *Acadia*, were however not sufficient to answer all the Demands of the *English Commissaries*; for the Governments of the *Sieur de Charnisay* and *de la Tour* did not extend to the Southern Banks of the River *St. Laurence*; the two Banks of that River having always been under the immediate Authority of the Governor of *Acadia*.

It is not difficult to perceive, that these different Commissions were granted on the Quarrel between the *Sieurs de Charnisay* and *de la Tour*, who mutually sought to supplant each other, and to extend the Bounds of their Government.

It may be proper to recollect what has been said in the third Article of this Memorial, that at the Death of the *Sieur de Razilly* the *Sieurs de Charnisay* and *de la Tour* were possessed
of

AUTHORITIES.

(c) See the Grants of the 8th of November 1603, to the *Sieur de Monts*.

(d) Treaty of *Utrecht*, Article XII.

Memorial of the French Commissaries.

III

of the Government of *Acadia* and the adjacent Countries; and ought rather to be considered as the one being the Successor of the other, than as two Competitors.

Acadia.

Long before the Letters obtained by the *Sieur de Charnisay* in 1647, and the *Sieur de la Tour* in 1651, each had obtained a particular Government (*e*); the *Sieur de la Tour* had that of *Acadia*, which did not reach beyond *Cape-Canso*; but nevertheless began from that time to extend to the Middle of *Bay-Françoise*.

The *Sieur de Charnisay* had that of the Coast of the *Etchemins*, then distinguished from that of *Acadia*, and which extended from the Middle of *Bay-Françoise* even to *New England*.

They had each of them at first Settlements, in which they exercised the Authority of Governors; their Orders were to make no Changes in the Plantations that each respectively possessed within the other's Government; the *Sieur de la Tour*, though Governor of *Acadia* and a Part of *Bay-Françoise*, had no Authority at *la Heve* or at *Port-Royal*, which belonged to the *Sieur de Charnisay*; and the *Sieur de Charnisay*, though Governor of the Coast of the *Etchemins*, had no Authority at the Fort on *St. John's River*, which belonged to the *Sieur de la Tour*. This appears from the King's Letter of the 10th of February 1638.

It proves how far they had already encroached upon each other's Government; but were their Encroachments capable of changing the true Limits?

Independently of these two Governments, there was a
third,

AUTHORITY.

(*e*) The King's Letter of the 10th of February 1638.

Acadia. third, towards the Confines of *Acadia*, which was entirely distinct and independent, and which extended along the Grand Bay of St. *Laurence* from *Cape-Canso* to *Cape des Roziers*, comprehending the adjacent Islands.

The *Sieur Denys* obtained a Grant of it from the King, in 1654 (*f*); and it appears by that Grant, that he had before received his Government from the *New-France* Company.

All these different Considerations prove, that the Letters granted to the *Sieurs de Charnisay* and *de la Tour*, in 1647 and 1651, can be of no Service in determining the Limits of *Acadia* Proper, even though the Term *Confines* found in them were not directly contrary to the Inductions which the *English* Commissaries have pretended to draw from them. The Disputes between these two Competitors filled *Acadia* with Confusion. Each sought to encroach upon the Limits of the other, and Titles arising in the midst of such Confusion are unfit to give any Light to this Subject. The single Grant of the *Sieur Denys* is sufficient to demonstrate, that all the Country which extends from *Cape-Canso* to the Mouth of the River St. *Laurence* was no Part of *Acadia*.

ARTICLE VII.

*The Examination of the English Commissaries Memorial continued.
Inductions drawn from the Letters of the Count d'Estrades.*

THE Commissaries of his *Britannick* Majesty cite one of that Ambassador's Letters of the 13th of *March* 1662 (*a*), where it is said that *Cromwell* took the Forts of *Acadia*. These
Forts

AUTHORITIES.

- (*f*) The *Sieur Denys*'s Grant of the 30th of *January* 1654.
(*a*) See the said Letter, Tom. I. page 261.

Forts were those the *French* reclaimed at the Treaty of 1655, namely, the Forts *Pentagoet*, *St. John*, and *Port-Royal*; from whence it follows, according to the *English* Commissaries, that they were situated in *Acadia*. *Acadia.*

They support this Proof by *Cromwell's* Order of 1656, which we had Occasion to mention in Article V. and consequently shall not here repeat what has been already said on this Subject.

If the King's Commissaries had pretended, that neither *Bay-Françoise*, nor the Coast of the *Etchemins*, in which the Forts *Port-Royal*, *St. John*, and *Pentagoet* are situated, had ever been comprehended under the Name of *Acadia*, they might not only have proved it by that Passage in the Count *d'Estrades's* Letter of the 13th of *March* 1662, but by many others. There is not then room for a single Observation to be made here, except that this Passage proves what is not disputed, and that it does not say a single Word of the ancient and proper Limits of *Acadia*, which is the Subject of the present Dispute. This is a Consequence of the Fault which runs through the *English* Commissaries Memorial, the not having settled with Precision the State of the Question.

We ought not to omit observing, that if the Forts in Dispute had been then reputed as evidently and incontestibly situated in *Acadia*, as the *English* Commissaries now pretend, it is very extraordinary that the Treaty of 1655 did not express so certain and particular a Situation; that Treaty nevertheless places them indefinitely in *North America* (*b*), by which it appears to be more contrary to the actual Pretensions of *England* than it is favourable to them.

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AUTHORITY.

(*b*) See the said Treaty, Article XXV.

Acadia.

We ought to have the same Sentiments of the other Letters of the Count *d'Esstrades*, as of that we have just mentioned. The Commissaries of his *Britannick* Majesty dwell with great Complaisance on the Weight of the Authority of one of the King's Ministers, who was so able and well-informed; but it is not using him with the Justice that was his due, when they estimate his Merit by the Exactness of his Knowledge in relation to the Extent and ancient Limits of *Acadia*.

The Object he had in view, with respect to the *English*, was, to prove that the Forts then in dispute belonged to *France*, that they had been unjustly taken, and that they ought to restore them.

His Duty to his Master required that he should insist on the Utility and Importance of that Restitution.

It is certain that in treating of these Points he had not the least Reason to discuss the precise and true Denomination of those Settlements; the Questions relating to Property and Utility were totally independent of them, whether they were treated under the Name of *New France* or that of *Acadia*.

As soon as the Property of them was established, under what Name soever *France* had possessed them, the Restitution of them was a necessary Consequence.

That no room may be given to think that this is an arbitrary Interpretation of the Letters of the Count *d'Esstrades*, and that it is invented only to adapt them to the present Dispute, there needs nothing more than the reading of those Letters, which will sufficiently convince every one of the confused Notions he had entertained of these Countries, except in the Points relating to their Property and Use, the only ones that were of Moment in the Subject he had to treat about.

The *English* Commissaries themselves cite one of his Letters of the 25th of *December* 1664 (*c*), where he gives an Extent of eighty Leagues from the Coasts of *Pentagoet* to *Cape-Breton*.

The Error of the Count *d'Estrades* on this Occasion is very obvious: For the Coast of *Acadia* from the Extremity of *Bay-Françoise* to *Canso* is really between eighty and an hundred Leagues, and this is not disputed by the *English*; but the Extent of the Coasts mentioned by the Count *d'Estrades* is about three hundred Leagues.

The *English* Commissaries also cite a Passage in a Letter of the 27th of *February* 1662 (*d*), where the Count *d'Estrades* mentions *Acadia*, as a Country that might be made a considerable Kingdom; and in another Place, he compares it in point of Extent to *France*.

But these Passages prove nothing, because they cannot be applied exclusively to *Acadia* according to its ancient Limits, but also because in the very Case where these Expressions are applied to ancient *Acadia*, it ought to be confessed that an hundred Leagues of Coast, so advantageously situated, furnished with very fine Ports, and near the richest and most advantageous Fishery, may reasonably be regarded as a considerable Kingdom for any Nation, who confines its Views within moderate Bounds.

In order to be convinced that the Count *d'Estrades*'s Ideas of *Acadia* are not proper to determine its Limits, no more is necessary than only to read his Letter to the King of the 27th of *November* 1664 (*e*), where he places *New Holland*, now called

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New

AUTHORITIES.

(*c*) See the said Letter, Tome 2. page 467.

(*d*) Ibid. Tome 1. page 229.

(*e*) Ibid. Tome 2. page 434.

Acadia.

New York, on the Coast of *Acadia*; and in this Sense it is indeed true, that *Acadia* is larger than *France*; but no body can imagine, that his *Britannick* Majesty's Commissaries will allow that either *New England* or *New York* was ever a Part of *Acadia*.

ARTICLE VIII.

The Examination of the English Commissaries Memorial continued.
Inductions drawn from the Treaty of Breda.

THE Commissaries of his *Britannick* Majesty pretend, that *France* has ceded to *England* by the Treaty of *Utrecht*, what had been ceded to that Nation by the Treaty of *Breda*: but it is necessary to examine how they establish this important Fact.

The two Crowns, say the *English* Commissaries, *Par. LV. and LVI.* had in view at the Treaty of *Utrecht*, the Transactions that had passed in consequence of the Treaty of *Breda*; for this Reason, according to them, was added to the Word *Acadium*, that of *totam*; and they pretend, that each Word of Augmentation, in the Treaty of *Utrecht*, augments the Value of the Right acquired by the *English*: They also pretend, that every Time the *French* have formed Demands in relation to *Acadia*, they have insisted on the Limits reclaimed by *England*. They observe, in *Parag. LXXXII.* that *France* having made the Cession of all the Right that Nation had acquired over all *Acadia*, this Circumstance incontestibly shews, that *Great-Britain* has insisted on what was ceded to her, in the same Extent with which it had been given to *France* by *England* in consequence of the Treaty of *Breda*. In short, they make it an Instance of the Foresight of the *French* Minister in *England*, in his causing
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the Ports of *Pentagoet*, *St. John*, and *Port-Royal* to be inserted in the Orders of Restitution.

Acadia.
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This is nearly the *English* Commissaries Arguments for assimilating the Treaty of *Utrecht* with that of *Breda*.

It is easy to answer these different Allegations.

1. There is no Resemblance between the Treaty of *Utrecht* and that of *Breda*; no Foundation to assimilate, as the *English* Commissaries do, the actual Demands of *England* with those of *France* at the last mentioned Treaty. The Terms in which it is expressed, the Negotiations with which it was preceded, and the Execution which followed it, prove that it was not to determine the ancient Limits of *Acadia*; but only to place things in *America* on the same footing they were in before the reciprocal Inroads that had been made by the two Nations. This was the Principle on which those Restitutions were founded which *France* stipulated in favour of *England*, as well as of those which *England* stipulated in favour of *France*.

The Treaty of *Utrecht*, on the contrary, changed the State of Affairs of *America*. It did not concern reciprocal Restitutions, but a Cession. It was not like the Treaty of *Breda*, where the Extent of the Country invaded, determined that of the Country to be restored: It was only the Terms of the Treaty of *Utrecht*, which fixed the Extent of the Country ceded; these Terms are clear and express; it is all *Acadia*, according to its ancient Limits, with its Appurtenances and Dependances; it is to this Part of *America*, and to this Part alone, precisely and determinately, that *France* has ceded all the Rights which belonged to that Nation in any manner whatsoever, whether by Treaty or otherwise; and this *France* has no Intention to dispute.

Nothing can be more evident, than the Difference between the Treaties and Demands which the *English* Commissaries compare together: A Difference founded on that between a Restitution and a Cession.

2. There

Acadia.

2. There is no Proof that at the Treaty of *Utrecht* they had that of *Breda* in view.

There is no mention of it either in the Treaty of *Utrecht*, or in any of the Pieces communicated by his *Britannick* Majesty's Commissaries, or in those the King's Commissaries have sought for in the different Repositories.

If *England* had claimed at the Peace of *Utrecht*, all she had restored to *France* by the Treaty of *Breda*, she would not have failed, instead of these Expressions, *according to its ancient Limits*, to have inserted these Terms, *according to the Treaty of Breda*.

Such, however, is the Nature of the exorbitant Pretensions formed by the *English* Commissaries, that if, in direct Opposition to the Truth of what has been demonstrated, it should be supposed that the Cession made by the Treaty of *Utrecht* might be assimilated to the Restitution made by the Treaty of *Breda*, it would fall far short of the Extent of their Demands: Since the Government of the *Sieur Denys*, which extended from *Cape-Canso* to *Cape des Roziers*, near the Mouth of the River *St. Laurence*, was not made any Part of the Restitution stipulated by the Treaty of *Breda*, and yet the *English* at present pretend, that not only that Part of *New France*, but also the Continuation of those Coasts and the Southern Bank of the River *St. Laurence*, up even as far as *Quebec*, ought to belong to them in consequence of the Treaty of *Utrecht*.

3. We cannot conceive on what Principle they build the Assertion, that every Word added in the Treaty of *Utrecht*, necessarily adds to the Cession of all *Acadia* made by this Treaty.

Every Word inserted in the Treaty of *Utrecht*, as in all others, expresses therè the Sense which that Word signifies; either to augment or restrain, according to its received and ordinary Signification.

nification. Thus the Cession of all *Acadia*, according to its ancient Limits, can never comprehend, with the ancient Limits, which never made a Part of it; much less can it mean the Countries which were never called by the Name of *Acadia*, even improperly; as, for instance, the Country situated over against *Quebec*.

The *English* Commissaries maintain, *Paragraph* LXVII. that the Intention of *Great-Britain* was not to lessen the Extent of *Acadia* by the Treaty of *Utrecht*. That may be; but in the case of Cessions, the Intention of the Grantee is never brought into the question; but only that of the Grantor: The Law, supposing any doubtful Expression in the Act of Cession, ought naturally to be interpreted in favour of him who cedes, against him who receives: But this is not the case in the Treaty of *Utrecht*, where the Expressions are not equivocal.

4. In fine, the Commissaries of his *Britannick* Majesty object, the Foresight the *French* Minister shewed, in causing the Forts of *Pentagoet*, of the River *St. John*, and *Port-Royal (a)* to be expressly inserted in the Orders of Restitution, at the Execution of the Treaty of *Breda*.

This Circumstance is far from being sufficient to prove, that these Forts were incontestibly within the Limits of *Acadia*; they prove, on the contrary, that some Difficulty might be raised in that respect, and the Precaution was not unnecessary. The Opposition of *Col. Temple (b)* is a Proof of this; but this Fact shall be more particularly discussed in the following Article.

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AUTHORITIES.

(a) Letters Patent from the King of *England* for the Restitution of *Acadia*, dated the 17th of *February* 1667-8.

(b) *Col. Temple's* Letter to the *Sieur du Bourg*, of the 7th of *November* 1668.

*Memorial of the French Commissaries.**Acadia.*

It evidently follows from what has been said, that there is no Resemblance between the Treaties of *Breda* and *Utrecht*; and that no Consequence can be drawn from that of *Breda*, to the Execution of that of *Utrecht*.

ARTICLE IX.

*The Examination of the English Commissaries Memorial continued.
Inductions drawn from Sir Thomas Temple's Opposition to the
Execution of the Treaty of Breda.*

THE little Regard shewn in *England* to Colonel *Temple's* Reasons for eluding the Restitutions stipulated by the Treaty of *Breda*, are, according to the *English* Commissaries, another Proof that the Forts of *Pentagoet*, *St. John*, and *Port-Royal* are, situated in *Acadia*.

The *English* Commissaries have been willing to produce, as a Proof, what directly destroys their System.

Colonel *Temple* pretended that these Forts were situated in *Nova Scotia*, and not in *Acadia* (a). The Order sent to him required the Restitution of five Forts, namely, those just mentioned, and the Forts of *Cape-Sable* and *la Heve*. Colonel *Temple* agreed, with respect to these last, that they were situated in *Acadia*, which is conformable to the Limits which the King's Commissaries have given to that Country by their Memorials of the 21st of *September*, and the 16th of *November* last.

We shall observe by the Way, that the Limits of the ideal *Nova Scotia* of 1621, terminated at the River *St. Croix*, and that

AUTHORITY.

(a) Colonel *Temple's* Letter to the *Sieur du Bourg*, dated the 7th of *November* 1668.

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Acadia.

that consequently Fort *Pentagoet* could not be included in it, though Sir *Thomas Temple* places that Fort in *Nova Scotia*; but probably that Governor, like some *English* Authors, thought proper to extend the Name of *Nova Scotia* to the Borders of *New England*.

To form a Judgment of the true Merit of the Exception formed by Colonel *Temple*, in order to dispense with his restoring the Forts of *Pentagoet*, *St. John*, and *Port-Royal*, it is requisite to determine from what Principles no regard was paid to his Representations in *England*.

We can attribute this only to two Motives, either because Colonel *Temple* had false Notions of that Country, or because the Intention of the contracting Parties at the Treaty of *Breda*, was faithfully to restore what lawfully belonged to them.

The Negotiations and Treaty of *Breda* leave us no room to doubt the Intention of the Parties. On the Representation of the *French* Minister, no Difficulties on the Part of *England* were inserted in the Orders sent to Colonel *Temple* about the Names of the Forts *Pentagoet*, *St. John*, and *Port-Royal*; and thence Colonel *Temple's* Resistance could not be authorized, because the Orders sent him were the least doubtful Interpretation of the Spirit with which the Treaty of *Breda* had been carried on, and of the Sense that ought to be put upon its Execution. It cannot therefore, with any sort of Justice, be attributed to the little Regard they paid to his Representations, or to the false Notions he had entertained of the Country he inhabited, and which had been given to him after the Invasion in 1654.

The Distinction made by him was founded on his own Title arising from his Grant; the Country in dispute had been granted by *Cromwell* on the 9th of *August* 1656, as well to the

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said

*Memorial of the French Commissaries.**Acadia.*

said Sir *Thomas Temple*, as to Mess. *de la Tour* and *Crowne* (*b*) ; the King's Commissaries could only produce an imperfect Translation of it which was found in the Navy Office ; in that Piece we find a precise and formal Distinction between *Acadia*, and what the *English* call *Nova Scotia*, though *Cromwell* was pleased to confound them in the Orders he sent the same Year to Captain *Leverett*, to resign the Forts he had taken from the *French* to Colonel *Temple*.

“ We give and grant (says this Piece) to Mess. *de la Tour*,
 “ *Thomas Temple*, and *William Crowne*, all and every the Land
 “ and Inheritances in *America*, hereafter declared and limited,
 “ namely, *the Country and Territory called Acadia, and Part of*
 “ *the Country called Nova Scotia, from Merliguesche on the*
 “ *East, to the Port and Cape of le Heve ; extending along the*
 “ *Sea Coast as far as Cape-Sable ; and from thence to a certain*
 “ *Port called the Port de la Tour, and at present named Port*
 “ *l’Emeron ; and from thence along the Coasts of the Islands, as*
 “ *far as Cape-Fourchu ; and from thence to the Cape and River*
 “ *of St. Mary, stretching along the Coasts of the Sea to Port-*
 “ *Royal ; thence reaching along the Coast to the Bottom of the*
 “ *Bay ; and incompassing the said Bay to Fort St. John, and*
 “ *thence along the Coast to Pentagoet and St. John’s River,*
 “ *situated on the Confines of New England, &c.”*

This Grant comprehends, as the Act itself observes, *Acadia*, and a Part of the Ideal *Nova Scotia*. We very evidently perceive,

In the first place, that *Acadia* Proper, and Ideal *Nova Scotia*, signify two different Countries, and that they are not altogether the same, as we have observed in the fifth Article of this Memorial.

AUTHORITY.

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(*b*) Grant of *Acadia*, and the Countries called *Nova Scotia*, to Mess. *de la Tour*, *Temple*, and *Crowne*, by *Cromwell*, dated the 9th of *August* 1656.

In the second place, that *Acadia* Proper is much smaller in extent than *Nova Scotia* Ideal, and that *Acadia* is only a Part of it, which is exactly conformable to Colonel *Temple's* Opinion of it; which is a Proof that his Distinction is not so frivolous as his *Britannick* Majesty's Commissaries pretend, since it was founded on a Grant sent from the Government of *England*.

We have reason to believe, that this Distinction was also founded on the Letters Patent he obtained from King *Charles II.* after the Restoration of that Prince to the Throne of his Fathers. The King's Commissaries have not any Copy of these Letters; but mention is made of it in one sent from Sir *Thomas Temple*, in answer to a Letter he had received from the *Sieur du Bourg*, a Copy of which was at that time sent by Sir *Thomas* to the King of *England's* Council, and was communicated to the King's Commissaries by those of his *Britannick* Majesty.

Sir *Thomas Temple* there says expressly, that the King of *Great-Britain* had entrusted him, by his Letters under the Great Seal of *England*, with the Government of *Acadia* and Part of *Nova Scotia*; and from thence he argues, that the Treaty of *Breda*, mentioning only *Acadia*,* he was not obliged to surrender the Places situated in *Nova Scotia*.

If we consult the *English* Authors who have treated of *Nova Scotia* and *Acadia*, we shall find that in general, they have represented *Acadia* as only a Part of *Nova Scotia*. This will be shewn in Article XIII. where we shall treat of the geographical Notions of *Acadia*.

We imagine, that what we are going to observe will give all the Weight and Authority to Colonel *Temple's* Distinction which it ought to have in the present Dispute; and when that is proved not to be frivolous, the Question will be fully answered.

ARTICLE X.

The Examination of the English Commissaries Memorial continued. Inductions drawn from several Letters and Memorials from the Ambassadors of France, and French Governors in America, as well as from a Memorial of the Board of Trade and Plantations on the Limits of New England.

THE *English* Commissaries have produced, in support of their System, concerning the Limits of *Acadia*,

1. A Memorial of the *French* Ambassador, in 1685 (*a*), relating to the Confiscation of several *English* Vessels, for fishing on the Coasts of the *French* Settlements, without the King's Permission: It is said in this Memorial, that the Coasts of *Acadia* extend from the Island of *Percée* to the River *St. George*.

2. Another Memorial of the *French* Ministers in 1687 (*b*), where they complain of the *English* for confiscating the Wines sent to *Pentagoet*, situated in *Acadia*.

3. A Letter from *Monf. de Villebon*, Governor of *Acadia*, in 1698 (*c*), on the Extent of his Government, which he spreads as far as *Kinibeki*.

4. Another Memorial by the *French* Ambassador, in 1700 (*d*), containing alternative Propositions on the Bounds of *Acadia*, either to confine them to *St. George's* River, in case the Fort of *Chichitouan*, on the Side of *Hudson's-Bay*, belonged to
France;

AUTHORITIES.

(*a*) Memorial of the *French* Ambassador, dated the 16th of September 1685.

(*b*) See the said Memorial produced by the *English* Commissaries.

(*c*) *Monf. de Villebon's* Letter, dated the 5th of September 1698.

(*d*) See an Extract of the said Memorial, referred to in the Observations of the Board of Trade and Plantations, of the 29th of April 1700.

France; and in case it did not, the King's Ambassador insisted, that the Bounds of *Acadia* should extend as far as the River *Kinibeki*.

5. The *Sieur de Subercasse's* Promise in 1710 (*e*), wherein that Officer intitles himself Governor of *Acadia*, *Cape-Breton*, and the adjacent Isles, from *Cape-Rosiers* at the River *St. Lawrence*, to the West of the River *Kinibeki*; and where, in speaking of *Port-Royal*, he says, *Port-Royal* in *Acadia*.

These different Pieces are here mentioned together, because the Inductions which the *English* Commissaries pretend to draw from them, are, as usual, refuted by a single Reflection.

That all these Pieces are posterior to the Treaty of *Breda*, when the Abuse of giving the Name of *Acadia* to *Bay-Françoise*, and the Coast of the *Etchemins*, was common enough: This these several Pieces prove, and this is what the King's Commissaries have not disputed. It may at most be concluded from it, that this was the actual State of *Acadia* when *Port-Royal* was taken by the *English*; and it may follow from hence, that these Pieces would be proper to point out the later Limits of *Acadia*; but this is the most convincing Proof that they cannot be applied to the ancient Bounds of that Province, which is the only Subject in question.

When the *English* Commissaries say, Paragraph XXV. that the *French* Ambassador's Memorial, in 1685, represents *Acadia* with the same Limits which they at present demand; this is an Instance of their Want of Attention; for this Memorial extends them no farther than the Island *Percée*; and by their Memorial of the 21st of *September* 1750, they have carried them about two hundred Leagues farther, and placed them opposite to *Quebec*.

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AUTHORITY.

(*e*) A Promise or Passport given by *Monf. de Subercasse*, *October* the 23d 1710.

Acadia.

If the *Sieur de Subercase* places *Port-Royal* in *Acadia*, that is only a Consequence of the improper Extent then given to *Acadia*, which was then a Name common to the adjacent and neighbouring Countries; and, in reality, he was Governor not only of *Acadia*, but of the adjacent Lands. This Consideration is alone sufficient to shew, that his Government exceeded the proper and ancient Limits of *Acadia*; this was also the Case of the *Sieur de Villebon*. From whence it follows, that what he has said in his Letter of the Extent of his Government, has no relation to the ancient Limits of *Acadia*.

The Distinction in relation to ancient Limits is taken from the Treaty of *Utrecht* itself; and though Father *Charlevoix* has mentioned it (*f*), can it be drawn from a more authentic and respectable Source? It does not appear that this is capable of weakening the Authority of the Treaty of *Utrecht*.

We ought not to conclude this Article without mentioning the Opinion of the Board of Trade and Plantations (*g*), communicated by his *Britannick* Majesty's Commissaries, on the *French* Ambassador's Memorial of 1700, relating to the Limits between *New France* and *New England*.

The Commissioners of that Board declare, that the Limits of *New England* ought of *Right* to extend to *St. Croix*; by which the *English* appropriate to themselves *Kinibeki* and the River *Pentagoet*.

In 1700, the Treaty of *Breda* still subsisted; and nothing had been performed contrary to it. Before that Treaty, *France* lawfully possessed a Fort on the River *Pentagoet*; this the Treaty
of

AUTHORITIES.

(*f*) See Paragraph LXVIII. of the *English* Commissaries Memorial.

(*g*) Observations of the Board of Trade and Plantations, dated the 29th of April 1700.

of *Breda* had acknowledged, since on the Execution of that Treaty, it was ordered to be given up, and was actually restored to *France*: Nevertheless, in 1700, the Commissioners of Trade and Plantations declared, in Contradiction to the most formal and authentick Stipulations, that this very Territory, which had been acknowledged to belong to *France*, belonged of *Right* to *England*. We suppress all Reflections on such an Assertion.

As to the Opinion of his *Britannick* Majesty's Commissioners, with respect to the Bounds of *New England*, it has greatly varied.

In the IVth, Vth, and LXth Paragraphs, they bound the Possessions of *France* by the *Virgines*; and in the XLVIth Paragraph they extend the Grants of *New Plymouth*, which, according to them, is one of the *Virgines*, to the River *St. Croix*. They are, in this Part of their Memorial, of the same Opinion as the Commissioners of Trade and Plantations.

But in other Places, they maintain and endeavour to prove, that *Pentagoet* was the Frontier of the *French* Possessions. To this Purpose, they cite, in Paragraph LXI. a Letter from the Count *d'Esstrades*; in Paragraph XXIII. they rest this Opinion on the Treaty of *Breda*, and declare, in the LIXth Paragraph, that they shall always be capable of proving the Truth of this Opinion whenever it shall be thought necessary.

These two Opinions are however contradictory; and if one be true, the other cannot be so: but it will not be difficult to shew that neither of them are exact.

1. The *English* Charter of 1606 cannot determine the Limits of the Possessions of *France*; since it is posterior to that of 1603, granted to the *Sieur de Monts*, and to the Settlements begun in consequence of it, in 1604.

2. By

Acadia.

2. By the Charter of 1606 the two *Virgines* ought to extend no farther than to the Distance of fifty Miles along the Coast, from the Place of their first Establishment. Wherefore that of *New Plymouth*, which was the most Northerly, was so far from reaching to *St. Croix*, that it did not extend even to *Boston*, which was not founded till the Year 1630. Thus, the Charter of 1606 is so far from favouring the Pretensions of the *English* Commissaries, that on the contrary, it might serve to establish an Opposition, that could confine them in much narrower Limits than those now disputed with them.

As to the Passage taken from the Count *d'Esstrades*, that *Pentagoet* is the first Place in the Country called *Acadia*, there are two Objections to be made to it.

The first is, that he himself has extended what was then called *Acadia*, so far as to comprehend *New York*, which is very far from confining its Limits to the River *Pentagoet*.

The second is, that a Fort is frequently in the Center of a Country ; and in that Case, it cannot serve as a Boundary. Though the *French* had a Fort at *Pentagoet*, and this was their first Place on the side of *New England*, it does not follow from thence, that this was the Extremity of their Frontiers : And this last Reflection serves at the same time as an Answer to the Inductions which the *English* Commissaries have pretended to draw from the Treaty of *Breda*.

Nothing remains then, on this Subject, but to stay till the Proofs they have promised are ready to be presented ; for it is evident, that, in this respect, those in their Memorial proved nothing.

All the Papers they have produced, on the contrary, prove, that *France* has at all times insisted on the Frontier of *Kinibeki*, and that the *English* would be willingly bounded by the River

St.

St. George ; for after what has been said above, it cannot be imagined, that much regard ought to be paid to the Advice of the Board of Trade and Plantations, of the 29th of April 1700.

All Histories make the Coast of the *Etchemins* begin at the River *Kinibeki* ; of this Coast the *French* were the first Possessors, and the lawful Proprietors.

If we may give Credit to what is found in Father *Charlevoix's* History (*b*), the *English* attempted to settle on the Banks of the *Kinibeki* in 1671 ; but returned on the Complaints of the *French* ; the *Kinibeki* being considered as separating *New England* from *New France*.

The Grants bestowed by *Cromwell* in 1656, to Mess. *de la Tour*, *Crowne* and *Temple*, both of *Acadia* and a Part of what he called *Nova Scotia*, extended to the River St. George ; so that it was not then considered, even by the *English* themselves, as making a Part of *New England*.

But the Charter which *England* can least except against, is undoubtedly that granted to *New England* by King *William* and Queen *Mary*, on the 7th of October 1691 (*i*).

By the first Regulation of that Charter, the King of *England* united several *English* Colonies into one single Government, under the name of *New England* ; viz. the Colony of *New Plymouth*, that of *Massachusetts-Bay*, and the Province of *Maine* : The Bounds of these different Colonies are there exactly expressed ; they terminate at the River *Sagadahock*. Thus, by the Grants of the *English*, the *Sagadahock* bounds and limits *New England*.

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By

AUTHORITIES.

(*b*) Tome i. page 439.

(*i*) The Charter granted to the Province of *Massachusetts-Bay*, dated the 7th of October 1691.

Acadia.

By a second Disposition of that Charter, the King of *England*, who was then at War with *France*, also united to *New England* all that Part of the *French Possessions* in *America* to which the *English* had given the Name of *Nova Scotia*, and all the Country situated between that ideal Province and *New England*, which was to extend from the River *St. Croix* to that of *Sagadahock*.

But we ought not to omit observing, that there is found an essential Difference in these two Dispositions.

In regard to the Countries concerned in the first Regulation, that is, which are situated to the West of *Sagadahock* which compose *New England*, and which lawfully belong to the Crown of *Great-Britain*, the Charter gives full Power to the Government of *New England* to make definitively all the Grants they should think proper.

With respect to the Grants in the Country, which relate to the second Disposition of the Charter, that is, which are situated to the East of *Sagadahock*, and which belonged to *France*, the King reserves to himself the Right of confirming them, and so far they are declared null and of no Effect.

Whence arose this Difference, if it was not from its being known in *England* that they had no legal Right to this Country, and from its being foreseen that at the Peace *France* would not make the Cession of it to *England*? And in fact, the Treaty of *Ryswick* produced no change in the Dominions of *France* in this Part of *America*.

It is also very remarkable, that all the Country situated between the River *St. Croix* and *Sagadahock*, is assigned in the Charter, without a Name; which lets us see, in the first place, that the *English* themselves did not comprehend it under the Name of *Acadia*, or even of *Nova Scotia*, tho' the Commissaries:

faries at present pretend to claim it under this Name. In the second place, that this Country has never been a Part of the *English* Dominions; for if the *English* have given the Name of *Nova Scotia* to a Country that does not belong to them, can it be supposed that they would neglect giving a Name to a Country which was really theirs? This would argue a Negligence or Indolence without Example.

It appears that the *English* Commissaries successively extend or confine the Bounds of the Possessions of the *French*, according as they imagine that they are or are not a Part of what was ceded to them by the Treaty of *Utrecht*; and from this Principle arises all their Variations in this respect.

When they believed the Coast of the *Etchemins* a Part of *Acadia*, they then extended its Limits to *Kinibeki*, or at least to *Pentagoet*.

But if the Coast of the *Etchemins* did not make a Part of *Acadia*, they would then confine its Bounds to the River *St. Croix*.

The true Limits of these Countries are however fixed and certain; independent of all the Motives that may produce a Variation in Opinions. It appears, that the *English* have more than once limited their Pretensions to the River *St. George*; that in Fact, and in Equity, they ought not to extend them beyond the *Kinibeki*; that according to their own Records, their Possessions are even less extensive, and do not reach beyond the River *Sagadahock*.

Acadia.

ARTICLE XI.

The Examination of the English Commissaries Memorial continued. Inductions drawn from the Treaty of Utrecht.

THE *Britannick* Majesty's Commissaries pretend, that in order to determine the Limits of *Acadia*, and, in this respect, to interpret the Treaty of *Utrecht*, we ought to be guided by the Intention of the Parties, and to be determined by the Limits they had in view throughout the Course of the Negotiation.

To this it may be replied in general, that what has preceded a Treaty, does not determine the Extent of the Stipulations it contains. It is supposed that each of the contracting Parties had carried his Demands as far as possible; and no Regard ought to be paid to what has not been definitively concluded, by common Agreement.

However, we shall not refuse to enter upon the Examination of the different Papers, which the Commissaries of his *Britannick* Majesty have produced on this occasion. Several of these Pieces prove no Part of what they are designed to prove, and some of them prove quite the contrary.

The first of all is, that the State of the Demands made by the *English* (a), where they propose that each Nation shall respectively keep the Dominions and Territories in *North America*, it had in its Possession at the Ratification of the Peace.

The

AUTHORITY.

(a) The Answer of *France*, of the 8th of *October* 1711, to the preliminary Demands of *Great-Britain*, for obtaining Peace.

The Discussion of this Demand was referred to the Conferences on the Peace. If it had been agreed to, the *English* would have acquired by the Treaty, no more than *Port-Royal*, of which they were in Possession at the Peace. All *Acadia* would have belonged to *France*, who would have kept *Placentia*, almost all the Island of *Newfoundland*, and particularly Fort St. *John* in that Island; the most important Post the *English* had possessed there before the War in 1702.

For the second Piece, the *English* Commissaries produced the Instructions (b) given by *England* to its Ambassadors Plenipotentiaries at the Congress of *Utrecht*: By these they were ordered to demand the Country called *Nova Scotia*, and particularly *Port-Royal*, of which the *English* were in Possession.

What *England* prescribed to its Ministers by way of Instructions, may serve to establish the Demands of that Nation, but can never be considered as the Measure of the Cessions made to it; and for the rest, those Instructions plainly declare, that *Port-Royal* is comprehended within the Bounds of the Country to which the *English* gave the Name of *Nova Scotia*; but it does not prove that that Town was within the ancient Limits of *Acadia*; consequently, it does not affect the State of the Question, which is determined by the express Terms of the Treaty of *Utrecht*.

The third Piece is the Memorial of Mr. St. *John*, Secretary of State in *England* (c), which proposes the Cession of *Nova Scotia*, or *Acadia*, according to its ancient Limits.

France with great Difficulty consented to this Cession:
We

AUTHORITIES.

(b) Instructions to the Lord *Strefford* of the 23d of *December* 1711.

(c) Mr. St. *John*'s Memorial to M. de *Torcy*, dated the 24th of *May* 1712.

Acadia.

We see in two Memorials communicated by his *Britannick* Majesty's Commissaries (*d*), that other Cessions were proposed to engage the *English* to desist from the Demand of *Acadia*: The King offered, in case he might preserve it, to contract the Limits of the Possessions which then made a Part of the same Government. Now, as *France* offered to contract the actual Bounds of it in a Case that did not take place, the *English* Commissaries conclude from thence, that it was his Intention to cede it with those actual Limits. This Reasoning is overthrown by the Treaty of *Utrecht* itself, which imports the Cession of *Acadia*, not according to its actual Limits, but according to its ancient Limits.

From the Examination of these Papers it most evidently appears, that those Inductions cannot be drawn from them which the *English* Commissaries endeavour to turn to their Advantage. We, on the contrary, see, that they themselves afford a certain Proof that *France* never intended to cede what they at present demand.

Independently of the Cession of *Acadia*, according to the ancient Limits, *England* had demanded that the Island of *Cape-Breton* should be common to the two Nations, and that *France* should erect no Fortification upon it.

The King opposed this Proposal, and supported his Refusal by Reasons to which the *English* submitted. These Reasons discover his Views and Intentions, better than all the Arguments and Deductions that can be drawn. The Answer of *France*, presented by the *English* Commissaries, is dated from *Marly*, the 10th of *June* 1712; and is as follows:

“ As

AUTHORITY.

(*d*) The King's Answer, of the 10th of *June* 1712. The Offers of *France*, with the Demands of *England*, and the Answers of *France*, of the 10th of *September* 1712.

“As it has been too often seen that the Nations which are
“the greatest Friends, become Enemies, it is prudent in the
“King to reserve to himself the Possession of the only Island,
“which can from henceforwards give him an Entrance into
“the River St. *Laurence* : For his Majesty’s Vessels would be
“entirely deprived of that Advantage, if the *English*, the Masters
“of *Acadia* and *Newfoundland*, should possess in common with
“the *French*, the Island of *Cape-Breton* : In that case *Canada*
“would be lost to *France*, as soon as the War (which God pre-
“vent) should be renewed between the two Nations ; but the
“most certain means of preventing it, is frequently to think of
“what may happen. We will not dissemble, and therefore
“declare, that the King will reserve to himself the Liberty
“which is natural and common to all Sovereigns, of erecting in
“the Islands, and in the Mouth of the River St. *Laurence*, as
“well as in the Island of *Cape-Breton*, what Fortifications his
“Majesty shall judge necessary.”

If any Fact be incontestible, relating to the Intentions of
France at the Peace of *Utrecht*, and to which the *English* have
appeared to submit, it is that respecting to the Preservation of the
Liberty of fortifying the Mouth of the River St. *Laurence*, and
of arriving at *Canada* in Safety. Now, nothing can be more
diametrically opposite to these Intentions, than to suppose that
France intended to cede to *England* all the Southern Part of the
Gulph of St. *Laurence*, as well as the Southern Bank of the
River of that Name, up as far as *Quebec* ; this Cession would,
much more certainly than that of *Cape-Breton*, have produced
all the Effects which the late King so justly apprehended : But
the more exorbitant the *English* Commissaries Pretensions are,
the more manifest and palpable must their Falshood appear.

They:

Acadia.

They pretend (Paragraph LXXXI.) that the Island of *Cape-Breton*, and a Part of the Islands in the Gulph of *St. Laurence*, were comprehended within the Limits of *Acadia*, and that it is only by way of Exception, that *France* has reserved to herself the Island of *Cape-Breton*: Which at the same time implies, that the other Islands situated within the same Limits, and particularly *St. John's*, ought to belong to *England*.

Nothing is to be found in the Treaty of *Utrecht* capable of giving rise to such Sentiments: If *France* had retained the Possession of *Cape-Breton* under the Title of an Exception, it would have been expressed in the Treaty; but that Treaty makes no mention of it. The XIIIth Article which relates to that Island, makes no mention of *Acadia*. It at first declares, that the Island of *Newfoundland*, which was never a Part of *Acadia*, was from thenceforward to belong absolutely to *Great-Britain*, with the adjacent Islands: It at length adds, that the *Island of Cape-Breton, and all others whatsoever, situated in the Mouth and Gulph of St. Laurence, should belong to France, with the intire Power in the King, to fortify one or more Places there.*

We may plainly perceive, that this Article was inserted in the Treaty relatively to the particular Demands that had been formed against that Island, and not in relation to the general Cession of *Acadia*; of this the mention of the Power of fortifying it is a Proof.

The Intention was visibly to prevent any Doubt in respect to all the Islands in the Gulph of *St. Laurence*, on account of the Cession of the Island of *Newfoundland* and the adjacent Islands, which composed the first Part of the same Article.

The *English* Commissioners will, doubtless, not pretend, that *Acadia* had ever included all the Islands in that Gulph. The Declaration of the Right of *France* to these different Islands
and

and to that of *Cape-Breton*, is nevertheless expressed in the same Manner, and in the same Terms. The Method of making use of an Exception was no more used with respect to the Island of *Cape-Breton*, than with regard to the other Islands.

Moreover, their Pretensions to a Part of these Islands, namely, to those near the Coast, from *Cape-Canso* to *Gaspé*, cannot subsist without directly opposing the Treaty of *Utrecht*, which expressly declares, that all the Islands whatsoever, situated in the Gulph of St. *Laurence*, shall belong to *France*.

A R T I C L E XII.

Objections of the English Commissaries on the Uncertainty of the Limits of Acadia, and the Opinion of the Sieur Durand.

THE Commissaries of his *Britannick* Majesty have observed, that those of the King have not settled what is their exact Opinion in relation to the Limits of *Acadia*.

The King's Commissaries have declared in Form, by a Memorial signed by them, and also at the first Request of those of his *Britannick* Majesty, that the proper and ancient Limits of *Acadia*, extended from the Extremity of *Bay-Françoise* to *Cape-Canso*.

The Objection concerning the Uncertainty of these Limits, can therefore only relate to those of the interior Part of the Country; and this Indetermination is a Proof of the Accuracy and Sincerity with which the King's Commissaries propose to act in the Regulation of these Limits, since what they should have marked in this respect, would have been arbitrary, no Limits having ever been settled in that Part; and this is

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precisely

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precisely what is to be regulated by the respective Commissaries.

In the like Cases, the most usual and convenient Rule is to extend the Limits of the back Part of the Country, as far as the Source of the Rivers that discharge themselves at the Coast: That is, that each Nation might depend on the Course of the Waters. This was the Method taken at the Peace of the *Pyrenees* in fixing the Boundaries between *France* and *Spain*; and if the King's Commissaries knew a more equitable Rule, they would propose it to the Commissaries of his *Britannick* Majesty.

They also object to the King's Commissaries the Opinion of the *Sieur Durand*, which was the giving the whole Peninsula for the Extent of *Acadia*.

The *Sieur Durand* was ordered to demand, as a previous Article, in order to hinder all violent Measures being taken by the Subjects of the two Crowns, that the *English* should engage in no Enterprize out of the Peninsula of *Acadia*.

He had been led into a Mistake concerning the Limits of that Province, by many Geographers, who have imagined that *Acadia Proper* comprehends the whole Peninsula; but as he was not ordered to discuss its Limits; as he was furnished with no Powers for that Purpose; as he had nothing to regulate, and as Commissaries were to be appointed for treating expressly on that Subject, the Error into which he fell, which has not been adopted by the *English*, cannot be considered as a Title granted to *England*; as soon as the Error is discovered and rectified, all the Consequences that might be drawn from it fall of themselves to the Ground. It seems that the respective Commissaries are at least agreed on one Point, and that they confess,

though

though from different Motives, that the *Sieur Durand's* Opinion cannot serve as a Rule, inasmuch as the Exactness of it cannot be demonstrated by certain and incontestible Proofs; but on the contrary, is only confined, as the *English* Commissaries observe, to general Allegations.

It is proved by the Treaty of *Utrecht*, that the whole Peninsula was not ceded to *England*. By the same reason which the *English* Commissaries have alledged in the LXXXII^d Parag. that if only the Peninsula had been ceded, it would have been specified in the Treaty; it may with still more reason be maintained, that this would not have been omitted, had it been intended to cede the same Peninsula intire.

We believe it unnecessary here to expatiate farther on the Peninsula; since it will be mentioned in the following Article, in treating of the Sentiments of some Geographers.

A R T I C L E XIII.

Objections of the English Commissaries founded on geographical Notions of Acadia.

THE Commissaries of his *Britannick* Majesty have produced five Maps, which they pretend favour their Opinion; viz. a Map of Part of *North America* by *Wiscber*; one by *de l'Isle*, of *North America*; one by the same Author, of *New France*, or *Canada*; one of *Canada*, by the *Sieur Bellin*; and one of *North America* by the *Sieur Darville*.

The first Observation we shall offer on these Maps is, that none of them are very ancient, and that they are consequently more applicable to the latter State of *Acadia* than to its ancient State. We cannot draw any Arguments from a Map of *France*

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as it is at present, to prove its Extent under the Kings of the first Race.

The second Observation is, that all these Maps differ from one another, and that most of them are so far from favouring the *English* Commissioners Pretensions, that they are against them: There is not even a single one that can be brought to agree with their extraordinary Pretensions, and this, the Examination of these very Maps will render extremely evident.

We ought to begin with retrenching from *Wischer's* Map the ideal *Nova Scotia*, and to confine it exactly and strictly to *Acadia*; we ought to act in the same manner with respect to all the *English* Maps, where a *Nova Scotia* is found distinct from *Acadia*: Now, according to *Wischer's* Map, which has this Fault, *Acadia* is included in the Peninsula, which is very contrary, as has been observed, to the System of the *English* Commissioners.

Moreover, the Limits given by this Map to *New England*, and *New Holland*, at present called *New York*, contradict all our received Notions. *Wischer* extends those of *New England* to *St. John's River*; which is directly contrary to the different Acts passed in consequence of the Treaty of *Breda*, according to which the River *Pentagoet* was restored to the *French* as forming a Part of their Dominions, and has never been reputed a Part of *New England*. On the other hand, that Author comprehends, in his *New Holland*, or *New York*, the Island *Montreal*, situated in the River *St. Laurence*, in the Center of *Canada*. This Extension of Limits is so void of all Sense and Reason, that we are persuaded the *English* Commissioners will not, in this Particular, adopt *Wischer's* Authority.

We should not conceive just Ideas of the two Maps by *de l'Isle*, if we formed our Sentiments of them only from what is said

said in the Memorial of his *Britannick* Majesty's Commissaries. It is necessary here to remove a Mistake, which we can only attribute to their Inadvertence.

They observe, that both of these Maps confine the Bounds of *New France* to the North-side of the River St. *Laurence*.

'Tis true, the general Title of NEW FRANCE is engraved in a part of the Map that is North of the River St. *Laurence*, even to the North of the River of the *Outaouacs*, the three Rivers, and that of *Saguenay*; so that, by this way of Reasoning, it may be pretended, that these different Rivers, and, with much greater Reason, that of *Quebec*, are not in *New France*.

The *English* Commissaries are not ignorant, that the Terms *Canada* and *New France* are almost synonymous, and even the *Sieur de l'Isle's* Map of *New France* represents them as such. We particularly find in these two Maps, that *Canada* takes in both the Banks of the River St. *Laurence*; so that it is very evident, that these Maps say the contrary to what the Commissaries of his *Britannick* Majesty pretend to make them say.

This is doubtless an Inadvertence of the same kind with that the *English* Commissaries have advanced in the LXXVlth Paragraph, that *the River St. Laurence* is the most natural, as well as the true Boundary between the Possessions of the *French* and those of the *English*, and that it was ever insisted upon as such by France herself, till the Treaty of Utrecht.

It will never be found that *France* has at any time agreed, and still less, that she has ever maintained, that the River St. *Laurence* ought to serve as a Boundary between the two Nations: It cannot even be proved, that this Proposition was ever made to her. We cannot yet recover from our Surprise, at finding this Assertion in the Memorial of his *Britannick* Majesty's Commissaries. It plainly appears from what has been said,
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that it cannot be founded on the Maps made by *de l'Isle*, and that they are directly opposite to the Scheme of placing the Boundaries of *Acadia* at the River St. *Laurence*.

These two Maps also represent *Gaspesia* as a separate and distinct Country from *Acadia*; which is also contrary to the Plan of the *English* Commissaries.

The latest and largest of the two, namely, that of *Canada*, or *New France*, cuts off from *Acadia* a part of the Coast of the Gulph of St. *Laurence*.

Both the Maps, it is true, comprehend the Coast and Country of the *Etchemins*, under the Name of *Acadia*; but we have not disputed, nor do we dispute, that this Country has been sometimes called by that Name, and especially in latter times.

Besides, the first Observation made above, on Maps in general, may be applied to those in particular: It is not from the present Maps that we must judge of ancient *Acadia*.

The *Sieur Bellin* was apparently led into a mistake by the Maps and Sentiments of the *English*, in supposing that there was a real *Nova Scotia*, distinct and independent of *Acadia*; but the Falshood of this Opinion has been sufficiently shewn. As he has sometimes placed too great a Confidence in the *English* Maps, his cannot serve as a Rule for the Bounds of these Countries; but he has however confined *Acadia* within the Peninsula; and in this, which is the most essential and capital Point, and the only one to which the State of the Question is reduced, the Map made by him, and presented by the *English* Commissaries, is directly contrary to their Pretensions.

The last Map produced by the *English* Commissaries, is that of the *Sieur Danville*. The Error into which he has fallen, is having marked with Points, Boundaries resembling those in the Map made by *de l'Isle*; and having by this means con-
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founded the ancient Limits, with those which took place during the time, and immediately before the Treaty of *Utrecht*. His Map is entirely different from that made by *de l'Isle*, because the *Sieur Danville's* Mistake relates more to the Boundaries which he has supposed to subsist between the two Nations, than to the Names of the Countries, since that of *Acadia* is confined to the Peninsula. In short, it is the same with this Map, as with those before mentioned; it is contrary to the *English* Plan, in what relates to *Gaspesia*, and the southern Bank of the River *St. Laurence*.

The *English* Commissaries have apparently thought fit to confine themselves to modern Maps, instead of having recourse to ancient ones, in determining the ancient Limits of *Acadia*, because there is not a single ancient Map wherein *Acadia* is not confined within the Peninsula.

However, it is pretty extraordinary, that among all the modern Maps they have not found a single one that entirely agrees with their Plan; just as among all the Writings they have produced, there is not one that can be completely adapted to it.

It is true, that, in general, Geographers have comprehended under the Name of *Acadia*, all, or the much greater Part of the Peninsula. We agree with the Commissaries of his *Britannick* Majesty, that their Authority ought not to be decisive. They are more assiduous to give a true systematic Air to their Maps, together with the Appearance of Learning and Study, than to settle the Rights of Princes, and the true Limits of Countries.

The Meeting with an Isthmus is to them a happy Circumstance; since all within the Peninsula ought then to bear the same Name. *Egypt* affords an Example of this; though, according

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cording to ancient Authors, it is not in *Africa*, there is not a Map which, on Account of the Isthmus, does not place it in that Part of the World. It is exactly the same with respect to *Acadia*: Though that Name originally only belonged to the Coast, from *Cansô* to the Entrance of *Bay-Françoise*, it has been extended to every Place situated within the Peninsula. *John de Laet*, one of the most ancient Authors who have given Maps of that Country, has led the other Geographers into the Error, who have for the most part only copied him.

The Work wrote by *John de Laet* was printed in 1632, under the Title of *Description de l'Amérique*, and was dedicated to the King of *England*. We find a Map of *New France* at the 31st page, where the Name of *Acadia* is confined to the Peninsula; the Countries on this Side the *Kinibeki* bear the Name of *Norembeque*, and the Country of *Gaspé* is called the Country of the *Canadians*.

In a second Map, which is that of *New England*, at pag. 63. the Country which extends from *Kinibeki* towards *Acadia*, is marked as a Part of *New France*, under the particular Name of *Norembeque*.

In this second, as well as in the first, the Name of *Cadie* or *Acadia*, is constantly confined to the Peninsula.

We believe ourselves able, boldly to assert, that no Map can be found before the Year 1632, (which was that when the Treaty was made, by which the *English* restored *Canada* and *Acadia* to *France*) wherein the Name of *Acadia* was given, either to the Country of *Norembeque*, or the Coast of the *Etchemins*.

In general, if we accept the two Maps by *de l'Isle*, and those that may have been copied from them, *Acadia* has always been confined to the Peninsula. In 1657 a Map was published
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under the Title of *Novæ Franciæ accurata Descriptio*, where *Acadia* is in the Peninsula. It is the same with a Map published in 1660, under the Name of *Tabula Novæ Franciæ*, with that of *Sanfon*, published in 1674; and with that of *Coronelli*, published in 1698. In these last, the Coasts which runs from *Acadia* to *New England* is called *Etchemins*, and *Gaspesia* bears the Name of *Canada*. A Map by *Hotman*, a German Geographer, seems to confine *Acadia* to the South-East Coast of the Peninsula.

In the Reign of *Queen Anne*, Dr. *Halley*, the greatest Astronomer and Geographer in *Europe*, published a general Chart of the Variations of the magnetic Needle, dedicated to the Lord High Admiral of *England*, where *Acadia* comprehends only the South-East Part of the Peninsula, conformably to the Limits marked by the *Engliß* Commissaries.

In 1728 an Atlas was published at *London*, dedicated to the Commissioners of the Admiralty, where the Charts are performed after a new Manner.

The first Chart in this Atlas is in two Leaves, the second comprehending *America*. *Nova Scotia* is there represented according to the Prejudices of the *Engliß* Geographers, as distinct from *Acadia*, which only comprehends the South-East Coast of the Peninsula.

What is found in this Atlas is confirmed by the Geographical Description at the Beginning, when it is said, page 285, that *Acadia is the South-East Part of Nova Scotia*.

About the Year 1738, Mr. *Popple* published a Map of all *North America*; and it appears that he consulted Maps, and ancient Authorities; he has pointed out, better than most other Geographers, the Limits of the Grants made by the Kings of *England*, whether they agree or not with the Pos-

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feffions of other Nations. His Map was undertaken with the Approbation of the Commissioners of Trade and Plantations, who, it seems, favoured him with the Surveys that had been communicated to them by the Governors of the *English* Colonies. In short, this Map is dedicated to the late Queen of *England*, who granted a particular Protection to the Arts and Sciences. In this Map, which gives the ideal *Nova Scotia* nearly the same Limits as those marked out by the Charter of *James I.* in 1621; he confines *Acadia*, and that with Reason, to the South-East Coast of the Peninsula. *Les Mines* and *Chignitou*, are very plainly represented as not making a Part of it, and to be an Appurtenance of the ancient pretended *Nova-Scotia*, and consequently of *New France*; since that pretended *Nova Scotia* was only a Part of *New France*.

Mr. *Popple* having proceeded upon Authorities, as the Charter of *Nova Scotia* fixes no Limits between that Province and *New England*, he has placed between both a considerable Extent of Country, to which no other Name can naturally be given, but that of *New France*, of which it is evidently a Part; but as that Denomination might be contrary to other Views and Pretensions, he could find no better Expedient than to give it no Name at all.

In short, Mr. *Salmon*, an *Englishman*, published in 1739, his Present State of all Nations, in 3 Vols. Quarto, in which he attempts to give a most complete and exact System of History and Geography. That History is embellished with Maps, the Geography of which is conformable to the geographical Notions of the Author. In that of the *English* Colonies inserted at the 425th Page of Vol. 3. *Nova Scotia* comprehends a Part of the Peninsula, and *Acadia* Proper no more than the South-East Coast.

The same Author in his Description of *Nova Scotia* expresses himself

himself thus, (Vol: 3. page 425). Nova Scotia in which I comprehend Acadia, &c. which supposes that Acadia is only a Part of Nova Scotia.

Acadia.
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As Maps are not authentick Proofs, we do not pretend to give them more weight than ought to be allowed them, yet such a Concourse of Authorities deserves some Regard; for though they are not capable of forming demonstrative Evidence, they are sufficient to establish an Opinion, that cannot be overthrown without exact and formal Proof. Now none of those produced by the *English* Commissaries, contradict what has been said of proper and ancient Acadia.

It ought therefore to be laid down as a certain Fact, that their Pretensions are not only contrary to geographical Notions in general, but that those who are most deeply skilled in History and Geography among the *English* themselves, and have proceeded upon well-attested Authorities, have confined Acadia Proper to the South-East Part of the Peninsula, agreeably to the Limits assigned by the King's Commissaries.

A R T I C L E XIV.

Of the Principles and Notions by which the Limits of Acadia may be determind.

IT is not sufficient to have shewn, in the preceding Articles, the little Foundation there is for the Allegations made use of by the *English* Commissaries for extending Acadia beyond its proper Limits; we ought also to shew, what are the true and ancient Limits of that Province.

We shall begin with searching for the Principles that may serve to guide us in this Subject; and the following Articles will afford a collection of Proofs, that will leave nothing equi-

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vocal, doubtful, or obscure, with respect to the Limits of *Acadia*.

One would imagine, that the true and ancient *Acadia* can be no other than that Part of *America* to which the Name has been given, exclusively of all others.

If there is a Country in *America* that has been known by the Name of *Acadia*, and never had any other, that Country is necessarily distinct and different from those that have had, that have preserved, and that still preserve, different Denominations.

This Principle appears in its own Nature so clear and evident, that it is not to be supposed that it can be disputed; and therefore we shall determine the Extent of the ancient *Acadia*.

The Proofs we shall produce, will be of two Kinds: By the one we shall settle what *Acadia* is; and by the other shew, that what the *English* would comprehend under that Name is not any Part of it; but is entirely distinct and different from it.

It is a certain Truth, that the Country which extends from *Bay-Françoise* to *Cape-Canso*, was never known by any other Name than that of *Acadia*; the Proof of this Fact is founded on the Impossibility of finding another Name by which this Extent of Coast was ever distinguished. This is not the Case with the rest of the Countries which the *English* at present claim as *Acadia*; each of them has preserved, and preserves still, a proper Name, as *New France*, or *Canada* in general, the Country of *Norembegue* or the *Etchemins*, *Bay-Françoise*, Great Bay of *St. Laurence*, and *Gaspesia*.

The Terms *New France*, or *Canada*, are almost synonymous, as has been already observed in mentioning *de l'Isle's* Map, in-
titled

titled *Nouvelle France ou Canada*. This is not the Case with respect to *Acadia*: For *Acadia* and *New France* have in most times been regarded as two distinct Denominations, so that *Acadia* was not commonly comprehended under the Name of *New France*; this characterizes the Difference that has always subsisted between *Canada* and *Acadia*.

This Distinction is proved by a most authentick Record, which is the Edict of the Month of *December* 1674 (a), registered by the Parliament and Chamber of Accounts at *Paris*, by which the King united and incorporated with his Crown Lands all the Countries occupied and possessed by his Subjects in *America*.

We find in two Places of this Edict, the only two where mention is made of *Canada*, these Expressions, *le Canada ou la Nouvelle France, & l'Acadie*.

In 1627, an Instrument was drawn up between Cardinal *de Richelieu* and some private Persons, for forming a *New France* Company, consisting of an hundred Members, in which is found in more than one Place (b), *la Nouvelle France, dite Canada*.

Before this time, the *Sieur Champlain*, the Founder of *Quebec*, and the first who commanded there under the King, had the Title of Governor of *New France*, as may be seen by the Commissions given him by the Count *de Soissons*, the 15th of *October* 1612, and by the Duke *de Ventadour*, the 15th of *February* 1625 (c); and it is observable, that the Government of the *Sieur*

AUTHORITIES.

(a) Edict of the Month of *December* 1674, for the Reunion of the Islands in *America*, of *Canada* or *New France*, and *Acadia*, to the Crown.

(b) Articles between Cardinal *de Richelieu* and the *New France* Company, in 1627.

(c) Commissions granted to the *Sieur Champlain*, appointing him Governor of *New France*, dated the 15th of *October* 1612, and the 15th of *February* 1625.

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Sieur Champlain was limited to a Part of *Canada*, and did not extend to *Acadia*.

We cannot recollect, that in the authentick Records, Histories, and Relations we have had occasion to read, we once found that in mentioning the Fort of *Cape-Sable*, and the Port of *la Heve*, it is said that they are in *New France*; or when they assign their Situation, which is very common and very remarkable, it is said, that they are in *Acadia* (*d*).

What makes this Circumstance appear singular is, that in treating of the other Places situated in *New France*, it is not near so common to add to their Name that of their Situation, as it is with respect to those Places that are situated in *Acadia*.

If then in speaking of the Places situated from the Extremity of *Bay-Françoise* to *Canso*, it was never said, that they are situated in *New France*; and if it is almost always added, that they are situated in *Acadia*; it follows from thence, that when it is observed that a Place is situated in *New France*, it is an almost certain Proof that it is not situated in *Acadia*.

After these preliminary Observations, nothing is left but to enter upon the particular Proofs we have premised.

A R T I C L E X V .

Proofs relating to the Limits of Acadia, drawn from the Sieur Denys's Description of the Coasts of North America.

IT is certain that the Sieur *Denys* lived at a time, when no one could foresee the Difficulties that have since arisen concerning the Extent of *Acadia*; and it is not less certain, that if he had

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(*d*) Many Examples will hereafter be given of this in the 1st and 2d Articles of that Part.

had foreseen them, he could ever have described its Limits with more Exactness and Precision than he has done.

His Testimony is accompanied with all the Circumstances that can give it weight.

He frequented between 35 and 40 Years the Countries he has described (a); he alone employed himself in describing their Limits; and in this Particular he has shewn an Exactness and Accuracy not to be found in any other Author.

His Work is dedicated to the King his Master.

In short, he ought not to be considered as a mere private Person, without a Character, and whose Testimony cannot be alledged in publick Affairs. He was Governor, Lieutenant-General under the King, and Proprietor of all the Lands and Islands from *Cape-Canso*, to *Cape des Roziers*, near the River *St. Laurence*, which forms a considerable Part of what the *English* at present reclaim as belonging to *Acadia*; and he expressly declares that all this Extent of Country is not in *Acadia*.

It is in a Description like that he has given, of all the Country which extends along the Coast of the *Etchemins*, of *Acadia*, and the Great Bay of *St. Laurence*, to the Mouth of the River of that Name; in a Description given by a principal Officer, invested with the first Character in the Countries in question, and was a Man who had himself passed through almost all the Countries he described, that we can, and ought to search, in order to determine the true Limits of *Acadia*.

In his Grant, dated the 30th of *January* 1654 (b), it is said,
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(a) See his Epistle to the King, at the Beginning of his *Description de l'Amerique*.

(b) In this Year the *English* invaded the Coast of the *Etchemins*, and a Part of the Coast of *Acadia*.

Acadia. that he was named and established Governor of the Great Bay of St. Laurence, and the adjacent Islands, beginning at *Cape-Canso*, and extending to *Cape des Roziers* in *New France* (c); so that this Grant is itself an authentick Proof that his Government was situated in *New France*, and not in *Acadia*.

Independently of this Government, the King granted him by the same Letters, the Power of establishing a regular Fishery, as well in the said Countries, as by the Coast of *Acadia*; which still farther shews, that his Government was distinct from *Acadia*, which did not belong to it.

The *Sieur Denys*, in fact, undertook to form a regular Fishery at *Port-Rossignol*, situated on the Coast of *Acadia* (d).

His Work includes a Description of almost every Place which the *English* would comprehend under the Name of *Acadia*, and meddles with no other Country. If the whole had been included under that Name, can we doubt that he would have intitled it *Description des Côtes de l'Acadie*, instead of intitling it, as he has done, *Description des Côtes de l'Amerique Septentrionale*? In which he has conformed himself to the Language of the Treaty of *Westminster*, concluded between *France* and *England* in 1665 (e).

We shall repeat the very Expressions of the *Sieur Denys*, on his describing the Limits of *Acadia*, where it begins and where it ends.

Long Island affords a Passage for leaving Bay-Françoise and entering upon the Coast of *Acadia* (f); ; and in another Place (g) leaving

AUTHORITIES.

- (c) Grant to the *Sieur Denys* of the 30th of January 1654.
- (d) *Description de l'Amerique*, Tome 1. page 80.
- (e) See the said Treaties.
- (f) Tome 1. page 56.
- (g) Ibid. page 58.

leaving Bay-Françoise to enter upon the Coast of Acadia, &c. These two Passages point out in a very clear and express manner, the Beginning and Entrance upon the Land and Coast of Acadia.

The Sieur Denys, after having given in the first Chapter a Description of the Coast of the *Etchemins*, as far as St. John's River; and in the second, that of *Bay-Françoise*, from St. John's River to *Long Island*, which he also comprehends; begins in the third Chapter, the Description of a Part of the Coasts of Acadia, from *Long Island* to *la Heve*; and he finishes it in the fourth Chapter, of which this is the Contents (b):

The Continuation of the Coast of Acadia from la Heve to Canso, where it it ends.

The four following Chapters contain a Description of the great Bay of St. Laurence; and the fifth begins with these Words (i):

Canso is an Harbour which runs three leagues within the Land, and at the Cape begins the Entrance of the great Bay of St. Laurence.

As the Sieur Denys has pointed out with great Exactness the Beginning and Entrance upon the Coast of Acadia, so he has shewn no less Exactness, in describing its Extremity and End; and it may be said, that his Description leaves nothing either obscure or doubtful, in relation to the ancient Limits of Acadia.

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ARTICLE

AUTHORITIES.

(b) Tome I. page 105.

(i) Ibid, page 126.

ARTICLE XVI.

Proofs concerning the Limits of Acadia, drawn from the Voyages of the Sieur Champlain.

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THE Relations of the Sieur *Champlain*, the Founder of *Quebec* and Governor of *Canada*, are neither so particular nor exact as those of the Sieur *Denys*; because the Object he had in view was not, like that of the Sieur *Denys*, to determine the Limits of the Country he described.

We cannot be firmly convinced from one or two Passages in this Author, of the true Denomination of the Countries in question; we must assemble them, compare them together, and interpret the one by the other; and then it will evidently follow, that the Name of *Acadia* only belonged to the South-East Part of the Peninsula.

The first Chapter of the second Book of his Voyages (*a*), promises a Description of every thing remarkable from *la Heve* along the Coast of *Acadia*. This Description does not extend beyond *St. Mary's-Bay*, which is near the Entrance of *Bay-Françoise*; and, in this particular, the Sieur *Champlain* agrees with the Sieur *Denys*, who places the beginning of *Acadia* at the Extremity of *Bay-Françoise*.

He likewise makes the Entrance of the great Bay of *St. Laurence*, begin at the Strait between *Cape-Canso* and the Island of *Cape-Breton*. *There is*, says he (*b*), *a great Bay, that forms a Passage between Cape-Breton and the main Land, which runs into the great Bay of St. Laurence, by which we go to Gaspé*. It is observable, that he does not give the Name of *Acadia* to the Coast
opposite

AUTHORITIES.

(*a*) Part 1. page 49.

(*b*) *Champlain*, Part 1. page 96,

opposite to that of the *Royal Island* or *Cape-Breton*, but simply that of the Main Land.

Acadia.
}

He appears, on the contrary, to distinguish these Countries. In speaking of two Ships, with which he went over, in 1604, with the *Sieur de Monts*, he says (c), *that being arrived at Canso, the one sailed along the Coast towards the Island of Cape-Breton, and the other, down towards the Coast of Acadia.*

In the second Chapter of the same Book, he gives a Description of *Bay-Françoise*; and on this Occasion observes (d), that he went to *Long Island*, *by which is the Passage into the great Bay-Françoise, thus called by the Sicur de Monts.*

Thus from the first Voyage of the *Sieur de Monts*, in 1604, the Origin of the first Settlements of the *French* in *North America*, that Part of *New France* had its proper Name, which was that of *Bay-Françoise*, and not that of *Acadia*; a Province that began, as we have already shewn, at the Extremity of the said Bay.

In reality, the first Chapter (e) of the second Book, which gives a Description of every thing remarkable along the Coast of *Acadia*, does not mention a Word of *Port-Royal*, or *Bay-Françoise*; and the second Chapter (f) of the same Book, which describes *Port-Royal* and *Bay-Françoise*, does not once mention the Word *Acadia*, or any thing relative to it; which is the more remarkable, as *Champlain* observes, in that same Chapter, that it was he who gave it the Name of *Port-Royal*.

We find in several Places in his Voyages (g), that the partic-

X 2

icular

AUTHORITIES.

- (c) *Champlain*, Part 1. page 43.
- (d) *Idem*, page 52.
- (e) *Idem*, page 49.
- (f) *Idem*, page 54.
- (g) *Idem*, part 2, page 209 and 297.

Acadia.

ticular Name of the Coast which reaches from *Acadia* to *Almouchiquois* (at present *New England*) was that of the Coast of the *Etchemins*, or the Country of *Norembegue*.

It cannot be said, that these Names and that of *Acadia* signify one and the same thing. It on the contrary appears, that *Champlain* considers them as different Countries: *These are*, says he (*b*), *all the Coasts we discovered, as well of Acadia as of the Etchemins and Almouchiquois*.

In another Place (*i*) he treats of the Coasts of *New France*, where are, says he, *Acadia, the Etchemins, Almouchiquois, and the great River St. Laurence*.

In his Treatise on Navigation (*k*), inserted in his Voyages, he says, that *if we desire to sail to the Coast of Acadia, to that of the Souriquois, Etchemins, and Almouchiquois, we may go and take a View of Cape-Breton*.

In a word, throughout all *Champlain's* Work, whenever he treats of these different Countries, that of the *Etchemins* is as different from *Acadia*, as that of the *Almouchiquois* or *New England*.

Some Citations from the *Sieur Champlain* ought not to be omitted, that will still farther shew the Difference he put between the Situation of *Port-Royal*, and that of *la Hève*.

The *Sieur de Poitrincourt*, to whom the *Sieur de Monts* granted *Port-Royal*, returning to *France*, left there his Son, the *Sieur de Biencourt*. *Champlain's* marginal Note on this Circumstance is (*l*); *The Sieur de Poitrincourt leaves his Son*
the

AUTHORITIES.

(*b*) *Champlain*, Part 1. page 93.

(*i*) Idem, part 2. page 296.

(*k*) Idem, page 32.

(*l*) Idem, part 1, page 98.

the Sieur de Biencourt in New France; he does not say Acadia.

Acadia.

The *Sieur de Poitrin-court* being returned to *Port-Royal*, the marginal Note (m) mentions *his Return to New France, and not to Acadia.*

But when the *Sieur de la Sauffaye* was in *Acadia*, *Champlain* writes in a very different manner, and that in the very same Chapter. The Vessel, says he, arrived at *la Heve in Acadia*; and the marginal Note says, (n), *de la Souffaye's Voyage to Acadia*; he does not now say *New France*.

Does he mention the Fort of *Cape-Sable*? He then says, that it is situated *on the Coast of Acadia (o)*; and this seems designed to characterize the Difference between the Situation of that Fort and *Port-Royal*, which he has occasion to mention in the same Place.

We have already cited several Passages from *Champlain*, which shew that he distinguished the great Bay of St. *Laurence* from *Acadia*. We might cite many others which are peculiar to *Gaspesia*, which he has described as a distinct and separate Country from *Acadia*; but we shall confine ourselves to one alone, with which we shall conclude this Article, and which will make it plainly appear, that in those ancient Times, *Acadia* and *Gaspesia* were considered not only as two different Countries, but also as far distant from each other and that even the Savages of *Gaspé* then called themselves *Canadians*.

On the 25th of April, says *Champlain (p)*, *Desdames arrived with*

AUTHORITIES.

(m) *Champlain*, Part 1. page 100.

(n) *Idem*, Part 1. page 104.

(o) *Idem*, Part 2. page 297.

(p) *Histoire de la Nouvelle France*, par l'Escarbot, Part 2. page 199.

Acadia.

with the Chalcup from Gaspé, and said, that he had seen neither Vessels nor Savages; nor had heard any News of either, except that some who came from the Coast of Acadia said, that they had seen eight English Vessels, Part of which were riding before the Coast, and others fishing; that Juan-Chou, Captain of the Savages of Canada, had given them as good a Reception as was in his Power, offering that if the Sieur du Pont would go into their Country, he should want for nothing they could procure for him by hunting.

We see from this Passage, that the Savages who inhabited *Gaspesia*, called themselves *Canadians*; which is also confirmed by the most ancient Maps; and that *Gaspesia* and *Acadia* were considered as two very different Countries, at a considerable Distance from each other.

ARTICLE XVII.

Proofs concerning the Limits of Acadia, drawn from the History of New France, by l'Esкарbot.

THE first Settlements of the Sieur de Monts having been made in the Island of St. Croix, on the Coast of the *Etchemins*, l'Esкарbot, who has given an Account of it, calls that Country indifferently *New France*, *Canada*, the Country of the *Etchemins*, or *Norembegue*; but we do not find that throughout his Work he has ever called it *Acadia*.

He expresses himself thus:

The Sieur de Monts (a), moved by an ardent Desire, and great Courage, has endeavoured to begin a Plantation in New France:

He

AUTHORITY.

(a) L'Esкарbot, page 17. of the Dedication to *France*.

He does not say in *Acadia*: And we have already observed, in Article XIV. that *New France* and *Canada* are two Expressions almost synonymous.

He has preserved in his Work a common Saying in his time, in relation to the Works carried on by the Order of the *Sieur de Monts* in the Island *St. Croix*: namely, that he *plucked up the Pines of Canada* (b). Thus, in these first and ancient times the Island of *St. Croix* was in *Canada*, and not in *Acadia*.

He gives to the Coast of the *Etchemins*, which is the distinguishing Name of the Country where the Island of *St. Croix* is situated, precisely the same Extent and Limits as the *Sieur Denys*. The People, says he (c), *who inhabit the Country from St. John's River to Kinibeki, (in which are the Rivers St. Croix and Norembegue) are called Etchemins; and from Kinibeki to Mallebarre, and beyond that Place, they are called Almouchiquois.*

He observes (d), that *Pentagoet* is the Place that was so famous under the Name of *Norembegue*.

When he speaks of a Voyage made by the *Sieur de Biencourt* to that Coast, he says (e), *the Sieur de Biencourt went to the Etchemins.*

In a word, we do not find a single Passage in that Author, where he has distinguished the Coast of the *Etchemins* by the Name of *Acadia*.

It is the same with respect to the Situation of *Port-Royal*.
The

AUTHORITIES.

(b) *L'Escarbot*, page 461.

(c) *Idem*, page 490.

(d) *Idem*, page 549.

(e) *Idem*, page 672.

Acadia.

The Plan of that Town, which is engraved in his Work (*f*), is intituled *Port-Royal in New France*, and not in *Acadia*.

If he mentions what he did at *Port-Royal*, the marginal Note is (*g*), *the Employment of the Author in New France*.

On his mentioning the Artificers at *Port-Royal*, the marginal Note is (*h*), *what Artificers are in New France*.

They had made Charcoal; and the marginal note is (*i*), *Charcoal made in New France*.

In fine, it is very remarkable that *L'Escharbot* lived chiefly at *Port-Royal*, where he landed in 1606; that he was himself one of the principal Instruments in forming that Settlement, which he mentions above two hundred times in that History; and that nevertheless he constantly mentions its Situation, either by the Name of *New France*, or by that of *Canada*, or by that of *Bay-Françoise*, and not one single time by the Name of *Acadia*.

He takes Notice (*k*) of a Register of the Baptisms at *Port-Royal*, begun in 1610. On these occasions People mention the Names of Places with the greatest Care and Exactness. If *Port-Royal* had been in *Acadia*, it would not have been put in the Margin (*l*), *The first Baptisms in New France*; and the Register could not have been intituled, *A Register of the Baptisms at the Church of Port-Royal in New France*.

L'Escharbot, in treating of the Productions of *Port-Royal*, and the

AUTHORITIES.

(*f*) *L'Escharbot*, page 440.

(*g*) *Idem*, page 474.

(*h*) *Idem*, page 546.

(*i*) *Idem*, page 548.

(*k*) *Idem*, 652.

(*l*) *Idem*, page 651.

the neighbouring Country, where he had dwelt, observes, that the Corn is there extremely good : On this Occasion he opposes the ill Opinion some Persons had entertained of the Quality of the Country : *Thus at all times*, says he (m), *People have decried Canada, under which is comprehended all this Country, without knowing what it is.*

We ought at least to suppose, that the Proprietor of a Country expresses himself with Exactness, in relation to the Place where his Land is situated, in a Petition presented to a Court of Justice. In 1614, the *Sieur Poitrin-court* presented a Petition (n) to the Parliament of *Bordeaux*, in which he takes the Title of Lord of *Port-Royal*; and the adjacent Countries in *New France*; if *Port-Royal* had been in *Acadia*, can it be supposed that he would have omitted mentioning its true Situation ?

When *l'Escarbot* mentions the little Success of *James Cartier's* first Settlements on the River *St. Laurence*, and of those of the *Sieur de Roberval* at *Cape-Breton*, he adds this Reflection (o), that *if the Design of cultivating Canada has not been attended with Success, we can never blame the Soil for it* : Which lets us see that *Cape-Breton* was considered as a Part of *Canada*, and not of *Acadia*.

According to the System of the *English* Commissaries, the People of *Gaspé* and the Bay *des Chaleurs* ought to have been called *Acadians*; but *l'Escarbot* expressly says, that these People called themselves *Canadaquois*, and this is confirmed by all the ancient Maps.

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In

AUTHORITIES.

(m) *L'Escarbot*, page 921.

(n) *Idem*, page 687.

(o) *Idem*, page 403.

(p) *Idem*, page 230.

Acadia.

In like manner, according to the Pretensions of the *English* Commissaries, the Southern Bank of the River St. *Laurence* must be in *Acadia*, and cannot be in *Canada*. Though this new Opinion is so destitute of all Foundation that we might dispense with proving the contrary, we shall nevertheless mention a Passage in *l'Esкарbot* which is expressly to the Purpose, and declares that the Name of *Canada* belonged to both the Banks of that River.

In regard to the Name of Canada, so much celebrated in Europe, it is properly, says he (q), the Appellation of both the Banks of that great River.

The Passages extracted and cited from the Works of the Sieurs *Denys*, *Champlain*, and *l'Esкарbot*, reciprocally strengthen each other. These are the most ancient and exact Accounts, and their Concurrence forms a Body of Proofs which, we imagine, will not admit of Contradiction.

AUTHORITY.

(q) Livre 3. chap. I. page 229.

ARTICLE XVIII.

Proofs relating to the Limits of Acadia, drawn from the first Records of the Concession of Acadia, other Records and French Memorials.

THE most ancient Records of the French concerning *Acadia*, are the Letters Patents granted to the *Sieur de Monts* on the 8th of November, and the 18th of December 1603 (a). *Acadia.*

By the first of these Grants the King, as we have observed in the second Article of this Memorial, conceded to the *Sieur de Monts*, not only *Acadia*, but also the Countries *on its Confines*, from the 40th to the 46th Degree of North Latitude.

These Expressions, which are repeated more than once in these Letters, evidently shew, that *Acadia* made but a Part of this Grant. The Power with which he was invested, was that of subduing *the People of that Territory, and its Neighbourhood*. The King authorized him to make Discoveries along the maritime Coasts, and other *Parts of the Continent*. In another Part of the same Letters, the King gave him the Power of acting in Person for the Preservation of the said Land of *Acadia, and the adjacent Coasts and Territories*.

The Letters Patent of the 18th of December 1603, are expressed in the same Strain: By these second Letters the King declares, that he has constituted the *Sieur de Monts* his Lieutenant-General of the Lands, Coasts, and Countries of *Acadia*, and other neighbouring Places, extending from the 40th to the 46th Degree of Latitude.

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These

AUTHORITY.

(a) See the said Letters Patent.

Acadia.

It is observable with respect to the Letters Patent granted to the *Sieur de Monts*, on the 8th of *November* 1603, that tho' they include not only *Acadia*, but the adjacent Countries, they did not however comprehend either a Part of the Coasts of the Peninsula situated in the Gulph of *St. Laurence*, the Isthmus which joins it to the Continent, or *Gaspesia*, since his Grant was limited to the 46th Degree, and these Countries are beyond it.

What farther confirms this Observation is, that in the second Letters Patent of the 8th of *December* 1603, relating to the exclusive Traffick of Furs during ten Years, the *Sieur de Monts* is not confined to the carrying it on only in *Acadia*; but there is also added the Bay *des Chaleurs*, *Gaspé*, and both Sides of the River of *Canada*: These Countries were therefore different and distinct from each other. *Cape-Breton* and the Bay of *St. Laurence*, where the Bay *Chaleurs* and *Gaspesia* are situated, with both the Banks of the River *St. Laurence*, are then no Part of *Acadia*.

It plainly follows from these Observations, that the most ancient Records of the *French* are directly contrary to the Pretensions of the *English* Commissaries.

Those Authorities that are less ancient, are not more favourable to them; and we shall successively give an Account of those relating, 1. To the Country of the *Etchemins* and *Bay-Françoise*; 2. To the great Bay of *St. Laurence*, and the Islands situated in it; and, 3. To the Southern Bank of the River *St. Laurence*.

In the first place, as to the Coast of the *Etchemins* and *Bay-Françoise*, it is certain, that before the Grant of *Acadia*, the Coast known by the Name of the *Etchemins* and *Norembeque*,
 bore

bore the latter of these Names, as a proper and distinguishing Appellation. This is proved by the Letters Patent of *Henry IV.* of the 12th of *January 1598 (b)*, where the King nominates *Francis de la Roque*, *Sieur de Roberval*, his Lieutenant-General of the Countries of *Canada*, *Norembegue*, and the adjacent Lands.

We have seen by the Relations of the *Sieurs Champlain* and *l'Esкарот*, that this Country, after the Grant of *Acadia*, continued to bear the Name of *Norembegue* and *Etcchemins*; and a Letter from the King of the 10th of *February 1638 (c)*, mentioned in Article VI. is alone sufficient to prove, that the Government of *Acadia*, and that of the Coast of the *Etcchemins*, were different and distinct from each other.

The Instruments of some Grants have been found, which prove, that all that Coast, and that of *Bay-Françoise*, were frequently assigned under the Name of *New France*, and that they depended on, and belonged to *Quebec*; which proves, that they were a Part of *Canada*, and not of *Acadia*: Not but that *Acadia* has also sometimes been comprehended under the general Name of *New France*; but it cannot be found, that this was ever done without adding the particular Nomination of *Acadia*, in order to avoid confounding that Province with *Canada*, which was, and still is, solely and simply called *New France*, as has been shewn in the XIVth Article.

In 1632, the *Sieur de Razilly* had a Grant of the River and Bay of *St. Croix* on the Coast of the *Etcchemins*, the Instrument of which Grant declares, that it is in *New France*; and this

was.

AUTHORITIES.

(b) See the said Letters.

(c) Idem.

Acadia.

was upon Condition of his paying Fealty and Homage at Fort St. Lewis, at *Quebec*, on which it depended.

In 1635, the *Sieur de la Tour* had a Grant of the River St. John, in *New France* (d); on Condition of his holding it of *Quebec*, and paying Fealty and Homage to that City.

In 1676, the Count *de Frontenac*, Governor of *New France*, gave to the *Sieur de Soulanges de Marson*, the Grant of a Place called *Nachouac*, situated on the River St. John, fifteen Leagues from *Gemesik*, to possess it from thenceforward under the Name of *Soulanges*, on Condition of paying Fealty and Homage at the Castle of St. Lewis at *Quebec*. A like Grant (e) was given to the *Sieur de Marson*, by the *Sieur de Chesneau*, then Intendant of *New France*, which is still enjoyed by his Family, who are settled in *Canada*.

The same Year the *Sieur de Marson* obtained, both from *Monf. de Frontenac* and *Monf. Chesneau*, the Grant of *Gemesik* (f), on St. John's River; but this was also upon Condition of holding it of *Quebec* Castle, and paying Fealty and Homage there.

This was also the same Year in which *Mess. de Frontenac* and *du Chesneau* gave to the *Sieur le Neuf de la Valliere* a Grant of ten Leagues, which on the one Side extended to the Gulph of St. Lawrence, and on the other to *Bay-Françoise*, comprehending *Chignitou* or *Beaubassin*; but this Grant (g), like the preceding, was on Condition that both the Governor and Intendant

AUTHORITIES.

(d) See the said Grants.

(e) Idem.

(f) Idem.

(g) Idem.

tendant should depend on the Castle of *Quebec*, and there pay Fealty and Homage.

In 1684 (*b*), the *Sieur de la Barre*, Governor of *Canada*, and the *Sieur de Meules*, Intendant, granted the Territories about *Medoſtet* on *St. John's River* to *René d'Amours*, *Sieur de Clignancourt*, to depend on the Castle of *Quebec*, and to pay Fealty and Homage there.

In 1689, *Monf. Denonville*, Governor of *Canada*, and *Monf. de Champigni*, Intendant, granted to *Peter Chefnct*, *Sieur du Breuil*, a Territory (*i*) on *St. John's River*, alſo on Condition of depending on the Castle of *Quebec*, and paying Fealty and Homage.

All theſe Inſtruments, which are of the ſame Nature, evidently prove, that theſe ſeveral Places were Parts of *Canada*, ſince they were under the Authority of the Castle of *Quebec*.

Secondly, as to the great Bay of *St. Laurence*, the Iſlands it contains, and *Gaspesia*, what has been cited from the Works of the *Sieurs Denys*, *Champlain*, and *l'Eſcarbot*, ſufficiently prove, that theſe different Parts of *New France* do not belong to *Acadia*; and we ſhall not repeat here what was ſaid in particular in Article XV. on the Letters Patent granted to the *Sieur Denys*, in 1654 (*k*), by which he was declared Proprietor and Governor of the great Bay of *St. Laurence*, nor the Inductions that might be drawn from it.

It ought to be preſumed, that *Monf. de Meules*, Intendant of *Canada*, knew its Limits. *France* was then equally in Poſſeſſion.

AUTHORITIES.

(*b*) See the ſaid Grants.

(*i*) Idem.

(*k*) Idem.

Acadia.

cession of *Acadia* and *Canada*; consequently it was of little Importance to her, whether the Bounds of *Acadia* were lessened or enlarged. We find in a Memorial addressed by that Intendant to the King in the Year 1684 (*l*), that *Canada* began from Cape-Breton.

In another Memorial sent by the same Intendant, in 1686 (*m*), it is said, that *Cbedabouctou* is a Bay situated at the end of *Acadia*, near the Island of *Cape-Breton*.

A Decree of the Council, of the 20th of *March* 1658 (*n*) mentions the whole Gulph of *St. Laurence* as a Part of *New France*, and takes no Notice of *Acadia*, though on all Occasions in which that Country has been concerned, care has constantly been taken to set down its Name and Situation: And we do not believe it possible to cite an Example to the contrary.

We have not been able to find the Copy of a Grant to a Company that was established for carrying on a Fishery in the Gulph of *St. Laurence*, and called the *Miscou* Company; but by Letters of the 16th of *January* 1663 (*o*), or by the Consent of that Company, that of *New France* granted to the *Sieur Doublet*, the Islands of *Magdalen*, *St. John*, *Oyséaux*, and *Brion*; these Islands are particularly and expressly said to be situated in the Gulph of *St. Laurence*, without any thing being said in these Letters that has the least relation to *Acadia*. It appears on the contrary, by an Act of Association made by the *Sieur Doublet*,

AUTHORITIES.

{*l*) See the said Memorial.

{*m*) Idem.

{*n*) See the said Arret.

{*o*) See the said Letters.

Doublet, on the 11th of February 1664 (p), for the Execution of a Grant he had obtained of a Part of *Canada*; that he had obtained it of the *Canada Company*; and that they foresaw he would obtain some of the *Land of Canada* from the *Sieur Denys*. It may be remembered, that the *Sieur Denys* was then Proprietor from *Cape-Canso* to *Cape des Rozières*: And it is probable, that the Lands of *Canada* here mentioned, were in that Territory, since these alone were within the Compass of the *Sieur Doublet's* Grant.

By a Petition, which many of the Inhabitants of *Canada*, the Proprietors of certain Lands situated towards *Percée* Island, presented to the King in 1684 (q), they desired to be supported in the Trade they carried on upon the South-east side of that Coast; and one of the Reasons they gave for it, was, that they drew thither the Savages from *New England* and *Acadia*: Which is a Proof that the Country they inhabited was no more a Part of *Acadia* than it was of *New England*.

In the third place, as to what relates to the Southern Bank of the River *St. Laurence*, there is not an Author or Writer, who, in treating of that River, does not mention it as traversing *Canada*, which supposes, and proves, that one of these Banks is not less a Part of *Canada* than the other.

We see by a Contract dated 1627 (r), that Cardinal *de Richelieu* granted the *New France*, or *Canada Company*, all the Rivers which discharge themselves into that of *St. Laurence*.

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AUTHORITIES.

(p) See the said Act of Association.

(q) See the said Petition.

(r) See the said Contract, or Articles between Cardinal *Richelieu*, and the *New French Company*.

Acadia.

In 1645, the *New France Company*, by one Decree of the Council of the 6th of *March* (s), obtained the Approbation of the Power they had given the Inhabitants to trade for Furs along the River *St. Laurence*, and the other Rivers which run into it as far as its Mouth, where it discharges itself into the Sea, and that within ten Leagues of the *Miscou Grant*, without including in the said Grant the Traffick that might be carried on by the Colonies of *Acadia*, *Miscou*, and *Cape-Breton*, which had been before disposed of by the said Company.

By this Decree we are informed, that the two Banks of the River *St. Laurence* belonged to *Canada*; that neither of them was a Part of *Acadia*, and that *Acadia* itself was distinct from the Grants of *Miscou* and *Cape-Breton*.

All the Grants of the Governors of *Canada*, at least all of which there are any Copies in the publick Offices, express in the most plain and express Terms, that their Government extended to all the Streams that discharge themselves into the River *St. Laurence*, and much more to both the Banks of that River.

This is proved by the Prolongation of the Commission of the Governor and Lieutenant-General of *Quebec*, granted by the King to the *Sieur Huault de Montmagny*, on the 16th of *June* 1645 (t), and which refers to the more ancient Grants. The King says, in these Letters, that he had heretofore constituted and appointed the said *Sieur de Montmagny*, his Governor and Lieutenant-General of *Quebec*, the River *St. Laurence*, and other Rivers which discharge themselves into it. And by the same

AUTHORITIES.

(s) See the said Decree.

(t) See the said Grants.

same Letters the King continues him in the Government of *Quebec* and the *Provinces watered by the River St. Laurence, and the other Rivers that fall into it.*

By the same Letters of the 17th of *January* 1651 (u), the King gives to the *Sieur Lauson* the Post of Governor and Lieutenant-General throughout the whole Extent of the River *St. Laurence*, in *New France*, with the *Islands and adjacent Lands on both Sides the said River, and other Rivers that discharge themselves into it.*

By other Letters of the 26th of *January* 1657 (x) the King gives to Viscount *d'Argenson* the same Post of Governor and Lieutenant-General, expressed in the very same Terms; and this is also the Case with respect to the Commission granted by the King to the *Sieur de Mezy*, the first of *May* 1663 (y).

There is no room to doubt but that the Letters, that have been granted by the King for the Government of *Canada*, were conceived in the same Terms; and these Governors have at all times exercised their Authority in the Countries where the Waters run into the River *St. Laurence*.

It appears, from what has been said, that neither the Coast of the *Eetchemins*, *Bay-Françoise*, the great Bay of *St. Laurence*, or the Southern Bank of that River, ever made a Part of the true and ancient *Acadia*; and that the Pretensions of the *English* cannot, in this respect, stand against the Authorities of the *French*. We shall see by the following Article, that their own Authorities are not more favourable to them.

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ARTICLE

AUTHORITIES.

(u) See the said Grants.

(x) *Ibidem*.

(y) *Ibidem*.

ARTICLE XIX.

Proofs concerning the Limits of Acadia, drawn from the Records, Memorials, and Authors, of the English and other Nations.

Acadia.

WE shall in this Article give only a summary Repetition of what has been spread through the whole Course of this Memorial, in relation to the Proofs which the *English* themselves have offered contrary to their Pretensions.

Their most ancient Authority in relation to the Country in Dispute, is the Charter of *Nova Scotia* granted by *James I.* on the 10th of *September 1621* (a).

Tho' this Charter must be entirely void, as we have already shewn in the Vth Article, we shall nevertheless draw two Inductions from it that contradict the System of his *Britannick Majesty's* Commissaries.

The first is, that the whole Extent given by this Charter to *Nova Scotia*, is not equal to the Pretensions at present formed by the *English* Commissaries. The Country from the River *St. Croix* to the Frontiers of *New England*, is not included within the Line of Circumscription marked out by this Charter: And this Country cannot be reclaimed as a Part of *New England*, since it was restored to *France* agreeably to the Treaty of *Breda*.

The second is, that that Charter even serves to shew, that a great Part of what the *English* Commissaries at present claim under

AUTHORITY.

(a) See the said Grant.

under the Name of *Acadia*, bore a very different Name, and consequently was not *Acadia*. According to that Charter, all that Part of the Continent across the River *St. Croix*, is called the Country of the *Souriquois*, and the *Etcchemins*; *inter regiones Suriquorum & Etccheminorum, vulgò Souriquois & Etcchemines*.

It has the same manner of Expression with respect to the Country of *Gaspé*, *littus communiter nomine de Gachepe vel Gaspie notum & appellatum*.

The Charter does not say, that either of these Countries are, or should be called, *Acadia*, as the *English* at present pretend; but on the contrary, the Names mentioned in the Charter, entirely agree with the Description of the same Countries by *Dennys*, *Champlain* and *l'Esкарbot*.

Thus the most ancient Authority cited by the *English* in relation to the Country in Dispute, is itself contrary to their Pretensions.

If there was anciently a Name common to all these Countries, except *Acadia*, which extends from *Cape-Canso* to the Entrance of *Bay-Françoise*, it was *Canada*: This we must conclude from a Passage already quoted from *Smith*, the Founder of *New England*. We find that in 1614, before the pretended Grant of *Nova Scotia*, before even the Settlement of *New England*, he complained that the Coasts of the last mentioned Country, which joined that of the *Etcchemins*, was called by the Name of *Canada* (b). It was not then foreseen what the *English* Commissaries would object against the Antiquity and Importance of
his

AUTHORITY.

(b) *Smith's History of New England*, page 204, and 205.

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his Testimony. Hence it is very evident, that these Coasts were not called by the Name of *Acadia*.

Mr. *Kirk*, before the taking of *Quebec* in 1629, got the Possession of the whole Northern Bank of the River *St. Laurence*. In a Representation made by the Commissioners of the Board of Trade and Plantations to *Queen Anne*, in 1709 (*c*), and which has been produced by the *English* Commissaries, it is said, that Mr. *Kirk* took Possession of that Part of *Canada*, which is to the North of the River *St. Laurence*. This shews very clearly, that there is another Part of *Canada* South of the same River.

We have already cited, in Article IX. *Cromwell's* Grant of the 9th of *August* 1656 (*d*), which was consequently made when the *English* had possessed themselves, though in time of Peace, of *Acadia* and a Part of *Canada*, which they were pleased to call *Nova Scotia*: According to this Grant, *Acadia* only comprehends a Part of the pretended *Nova Scotia*. How then can it be pretended, in Opposition to this Authority, that *Acadia* is still more extensive than *Nova Scotia*?

We have also discussed in the same Article, the Exception formed in 1668, by Col. *Temple* (*e*), in order to dispense with the Restitution of *Port-Royal*, Fort *St. John*, and *Pentagoet*, because those Forts were not situated in *Acadia*. It has been shewn, that this Exception was conformable to the Grant made by *Cromwell* in 1656, and the Letters Patent of *Charles II.* passed under the Great Seal of *England*: We have observed, that nobody could have a Grant more perfect in regard to the Place,

AUTHORITIES.

(*c*) See the said Representation.

(*d*) See the said Grants.

(*e*) See Col. *Temple's* Letter of the 7th of *September* 1668.

Place, than Col. *Temple* : And what has been explained in the Course of this Memorial, farther proves, that his Opinion was alone conformable to the most ancient Accounts of those Countries.

Moreover this Opinion, which entirely overthrows that of his *Britannick* Majesty's Commissaries, and is founded on Authorities which the *English* cannot consider as frivolous, is supported and maintained by many Writers and Geographers of their own Nation (*f*). The Author of the Sea-Atlas says positively, that *Acadia is the South-east Part of Nova Scotia*. *Salmon* treats of *Acadia*, as a Part of *Nova Scotia*. The Charts of the Sea-Atlas, *Salmon's* History, Dr. *Halley*, and Mr. *Popple*, represent *Acadia* as only a Part of *Nova Scotia*. This has been more fully particularized in Article XIII. and is repeated here, only to represent at one view what the *English* Grants, Memorials, and Authors, have given in evidence against the Pretensions of his *Britannick* Majesty's Commissaries.

To all the Authorities that have been cited, may be added those of *Laet*, and du *P. Creuxius*, the Jesuit.

It has been remarked in general, that *Laet* comprehends the whole Peninsula under the Name of *Acadia*; we shall not repeat the Reflections that have been made on this Subject : But in the Chapter, where he gives a Description of *Acadia*, he takes no notice of the Coast of the *Etchemins* : He does that in a separate Chapter, which he entitles, *The Continent of New France, as far as the River Pentagoet* (*g*). He observes, that this is the same

AUTHORITIES.

(*f*) See what has been said on this Subject at the End of the XIIIth Article, of which this is only a summary Repetition.

(*g*) Page 54.

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same Country that is called *Norembegue* (b). He is still farther from comprehending in his Description of *Acadia*, that Part of the Continent which extends from *Bay-Verte* to *Gaspé*, and all the Southern Bank of the River *St. Laurence*, which, as he observes, *is the Country of the Canadians* (i).

Creuxius has written in *Latin* an History of *Canada*, printed in 4to in 1664. Let us see what he says (k) on the different Provinces of *New France*.

Its Parts, and if we may use the Term, its Provinces, are Acadia, the Souriquois, Norembegue, Labrador, and what is a Name more commonly known, Canada. This last is not so much the Name of a particular Place, as the common Denomination of all the Regions that border on that great River, which the French have called the River St. Laurence.

We see, from this Passage, that he distinguishes *Acadia* from *Canada*, and the Country of *Norembegue*; and that *Canada* has always been considered, as comprehending the two Banks of the River *St. Laurence*. Thus all ancient Authors have spoke uniformly of these Countries, at a Time when they could not foresee the Disputes that have arisen between the *French* and *English*.

AUTHORITIES.

(b) Page 55.

(i) Page 41.

(k) Page 46.

ARTICLE

A R T I C L E XX.

Proofs concerning the Limits of Acadia, drawn from the Treaty of Utrecht.

THE Answers contained in the XIth Article to the Inductions his Britannick Majesty's Commissioners pretend to draw from the Treaty of *Utrecht*, and also the Pieces they themselves have produced, demonstratively prove, that the *French* never intended to shut up the Entrance to *Canada* as they would have done, if they had ceded to *England* the Countries at the Entrance of the River *St. Laurence*, and the Southern Bank of that River.

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We shall not repeat all that has been said on this Subject, but shall confine ourselves to the Interpretation of the Treaty of *Utrecht*, by that Treaty itself.

By this Treaty, *France* cedes to *England*, *Nova Scotia*, otherwise called *Acadia*, entire, conformably to its ancient Limits, AS ALSO the City of *Port-Royal*, now called *Annapolis-Royal*, and in general, all that depends on the said Lands, and the Islands of that Country.

The Expression *comme aussi*, which is in the original *French*, is rendered in the original *Latin* by that of *ut &*.

It evidently follows from this Expression, that *Port-Royal* was not a Part of the Cession of *Acadia*: These Terms *comme aussi* are equivalent to those of *en outre, de plus, encore*.

The *English* Commissioners maintain, that these Terms are commonly enough used in Treaties to introduce what is often only the same Thing, or Part of it; but we do not think they can produce a single Instance. What they cite from the Treaty of *St. Germain* in 1632, by which *England* restores *New France*,

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Acadia, and *Canada*, has not the Terms *comme aussi*: If even after having made use of the Denomination *New France*, they have added *Acadia* and *Canada*, it is because they are not often comprehended under the Name of *New France*, but *Canada* alone. But there is no *Frenchman* to whom the Expression would not appear strange, phantastical and improper, in his own Language, if it had been inserted in the Treaty of *St. Germain*, that *England* restored to *France*, *New France*, as also *Canada*; or if they had said, *Canada*, as also the City of *Quebec*.

The Expressions used in the Treaty of *Utrecht* become simple, clear, natural and exact, when it is recollected, that ancient *Acadia* did not include the City of *Port-Royal*; and then the Cession cannot be better expressed than by the Terms in which it is conceived.

The ancient Limits of *Acadia* are also expressed by those which the same Treaty gave to the exclusive *English* Fishery on the Coast of *Nova Scotia*. Let us see how the same twelfth Article of the Treaty is expressed in regard to the Cession of *Nova Scotia*, otherwise called *Acadia*.

And that in a Manner and Form so ample, that from henceforward the Subjects of the Most Christian King shall not be permitted to fish in the said Seas, Bays, and other Places, or within thirty Leagues of the South-east Coast of Nova Scotia, beginning from the Island vulgarly called Sable, exclusively, and extending to the South-west.

Two Observations arise from this Disposition of the Treaty of *Utrecht*.

1. It is easy to recollect, that the principal Object the *English* had in view at the Treaty of *Utrecht* was, the Security of the Fishery: From this Motive they obtained the Cession of *Newfoundland*: It was also from the same Motive that they obtained the Cession of *Acadia*; and to give the greater Encouragement particularly

particularly to the Fishery of *New England*, they stipulated for the exclusive Privilege of fishing on the Banks situated opposite to the Coasts of *Acadia*, which abound with Fish in an extraordinary manner. This last view was accomplished by the Cession of *Acadia* according to its ancient Limits. No Country besides *Acadia*, as described in the Course of this Memorial, could be so proper for this exclusive Fishery; for neither the Coast of the *Etchemins*, nor any of those on the Gulph of *St. Laurence*, have fishing Banks to the South-east.

2. At the same time that the Treaty imports the Cession of *Acadia* with its Dependances *in the most ample Form and Manner*, it limits the Extent of that Grant to the Coasts which lie from the North-east to the South-west, along which the *French* are not permitted to fish within the Distance of thirty Leagues to the South-east, which, in reality, confines the Possessions of the *English* to the true Limits of the ancient *Acadia*.

By the Points of the Compass fixed by the Treaty, all the Coasts that have a different Direction, ought to be considered as no Part of *Acadia*. If they were to belong to the *English*, would they not have excluded the *French*, and made that *Manner and Form so ample*, which is stipulated for in the Treaty, easily understood? We can see no reason that could and ought to have prevented this, but the want of Propriety.

In fine, if there be any room for the Pretensions of the *English* Commissaries, the Treaty of *Utrecht* must contradict itself.

The twelfth Article, as we have seen, cedes to *England* all ancient *Acadia*, with the Lands and Islands dependent on it, that is, the Islands adjacent to the Coasts of *Acadia*.

Now, if *Acadia* comprehended all the Coasts that extend from *Cape-Canso* to the Entrance of the River *St. Laurence*,

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it would follow from thence, that the Islands adjacent to those Coasts would incontestibly belong to *England*.

But the Treaty of *Utrecht* says the contrary, in the most clear and express Terms. This is in the XIIIth Article.

It begins with disposing, first of the Island of *Newfoundland*, which is declared formerly to belong to *Great-Britain*, with the adjacent Islands, reserving to *France* the Liberty of drying Fish within the Limits therein described ; and this Article ends with saying, that *the Island of Cape-Breton and all others whatsoever, situated within the Mouth and Gulph of St. Laurence, should from thenceforward belong to France.*

Nobody who honestly and sincerely reflects on these Stipulations of the Treaty of *Utrecht*, can help acknowledging that the *English* have no Right to pretend to any thing in the Gulph of *St. Laurence* besides the Possession of the Island of *Newfoundland*, and the adjacent Islands, and that the Gulph more especially belongs to the *French*. The Term *all the Islands whatsoever*, does not permit the *English* the Power of reclaiming any one of those situated in that Gulph.

In consequence of this Article of the Treaty of *Utrecht*, the King has constantly claimed, and claims still the Island of *Canso*, situated in the Mouth of the Gulph of *St. Laurence*: Some private *Englishmen* took Possession of it by Violence in time of Peace, in 1718; the King complained of it ; Commissaries were named; but after several Conferences came to no Decision.

From what has been said it is evident, that the Pretensions of the *English* Commissaries cannot be reconciled with the Treaty of *Utrecht*, which is, nevertheless, the only Title by Virtue of which the *English* possess *Acadia* or *Nova Scotia*.

C O N-

CONCLUSION.

THE Extent of this Memorial, and the Diversity of Matter we have been obliged to treat of and discuss, necessarily require our recapitulating, in as concise a manner as possible, what results from it.

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The Clouds that have been raised over the proprietary Rights which *France* from all Antiquity has enjoyed, as well over *Acadia* as the adjacent Provinces, the Coast of the *Etehemins*, *Bay-Françoise*, *Gaspesia*, and all the Southern Bank of the River *St. Laurence*, have laid us under the Necessity of disentangling an Affair, obscured by the strangest Prejudices, of remounting to the Origin of the Settlements made by the two Nations in *America*, and of drawing from primitive Grants, and the purest Sources of History, the Knowledge of the first Claims to the Countries they possess in that Part of the World.

Whatever relates to the first Settlements of the *English*, is drawn from their own Grants, and most authentick Histories.

We have likewise examined the Grants that have been made by *France*, with the History of her first Settlements; and moreover, as a Guarantee for all the Facts, have given the Sentiments of the Authors and Founders of the first *French* Colonies.

All the vague and uncertain Allegations concerning the Antiquity of the Settlements of the two Nations in *North America*, are brought back to certain and fixed Periods; and whether we consider the Schemes of forming Settlements, the fruitless Attempts to execute them, the more happy Enterprises.

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prizes that have been followed with Success ; in all these Cases the *French* have been beforehand with the *English*.

In 1604, the *Sieur Monts* formed Settlements in *New France* : In 1606 the *French* cleared and cultivated, in the Country of the *Almouchiquois*, Lands which *England* had not yet entertained even the thought of planting, and which they did not actually settle till above 20 Years after. The first *English* Colony did not begin to exist in *Virginia* till 1607, that of *New Plymouth* in 1620, that of *New England* only in 1629 ; *Boston* was not founded till 1630 ; yet *Quebec* was founded in 1608, and *Port-Royal* even in 1605.

The History of the first Settlements of the two Nations are discussed in the first and second Articles of this Memorial. This is followed, in the third Article, with the principal Revolutions that have happened in *Acadia* and the neighbouring Provinces ; which the *English* attacked several times with different Success.

In 1613 they, in time of Peace, plundered and destroyed the Settlements of the *French* ; and according to their own Testimony, strengthened *Virginia*, which was still in its Infancy, with the Inhabitants they took from our Colonies.

In 1628 and 1629, they invaded afresh the Possessions of *France*. The two Nations were then in a State of War, without however having made a Declaration. The Necessity of Self-defence had obliged *France* to make use of Reprisals ; but in 1632, the *English* surrendered and restored what they had taken.

There was a new Invasion on their Part in 1654, when the two Nations were entirely at Peace ; Difficulties and Delays arose about a Restitution : War was declared twelve Years after ;

after ; and the *English* at length, in 1667, again quitted and restored the Countries they had taken from *France*.

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After many Events, a great number of Enterprizes were formed in time of Peace ; these were attended with a variety of Success ; but at length, at the end of the War, the *English* in 1713 obtained the Cession of *Acadia*, according to its ancient Limits, with the City of *Port-Royal*.

Thence arose the recent Origin of their Right to that ancient Colony : But the Treaty of *Utrecht* alone not being sufficient to answer their extensive Pretensions, it became necessary for them to form a Title independent of it : They have in vain endeavoured to found the Origin of the Right of the *French* to *Acadia* on the Treaties of *St. Germain* and *Breda*. We have shewn in the fourth Article, the little Foundation there is for this Pretence. These Treaties gave nothing to *France*, but restored what belonged to her.

It is from the same Motive that they have endeavoured to form a Title from the Name of *Nova Scotia*.

We have treated at length, in the fifth Article, what relates to that Denomination.

It has been observed, that in 1621, *James I.* King of *England*, gave *Acadia* and a Part of *New France* to one of his Subjects under the Name of *Nova Scotia*. Long before, and even at the same time, the *French* were in full and quiet Possession of that Country. The very Grant of the *English* contradicts their Pretensions. *Nova Scotia* was not to take place according to the Charter itself, except the Country ceded should be vacant ; it was not ; *Nova Scotia* then had no Existence.

In fact, that Country had never been planted by *English* or
Scots

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Scots Settlements: The *French* always continued to inhabit it, even during the transient Invasions of the *English*.

Till the Treaty of *Utrecht*, *Acadia* and *Port-Royal* preserved the Names that had been given them by the first *French* Inhabitants, before there was an *English* Inhabitant in *America*. But these Names, as well as the Country itself, have submitted to the Revolutions of Time; and at the Treaty of *Utrecht* they were changed to *Nova Scotia* and *Annapolis-Royal*.

It is in the power of Nations to give the Countries they possess what Names they please; and in ceding this Country to *England*, *France* had no right to contest a posterior Denomination: The Treaty of *Utrecht* has, in this respect, spoken in the Language they would have it.

But the being willing to give at pleasure, Names to the Possessions of other Powers; to pretend that these new Names are not vain and without Reality; to build Claims and a System of Property on these Illusions, must be acting contrary to all received Notions, and contrary to the Laws and Customs of Nations. How can they pretend, that what the *French* possessed under the Names of *Acadia* and *New France*, was capable of forming, at the same time, a foreign Colony under the Name of *Nova Scotia*?

From hence results this certain Truth, that *France*, who has made a real Cession, has not made it under a Denomination that till that time had been merely ideal; that the *English* cannot claim under the Name of *Nova Scotia*, what *France* has ceded under the Name of *Acadia* according to its ancient Limits; that consequently, the whole Dispute between the two Powers

Powers is reduced to the Determination of what are the true and ancient Limits of *Acadia*.

By a Train of Disorders that had taken place in *Acadia* and the adjacent Provinces, those who had obtained the principal Grants had improperly and indiscriminately extended the Name of *Acadia* to Countries that had a very different Name. The spreading of this Error was so much the more easy, as at its Origin the King had granted the *Sieur de Monts*, not only *Acadia*, but also the adjacent Countries; and after the Distinction of Governor of the Coast of the *Etcchemins* and that of *Acadia* had ceased in the Person of the *Sieur de la Charnisay*, who stripped the *Sieur de la Tour* of one of these Governments, the new Grants bestowed by the King extended afresh to *Acadia* and the neighbouring Countries.

But the Treaty of *Utrecht* has not ceded *Acadia* and the neighbouring Provinces to *England*: But, on the contrary, has distinguished the true Extent of that Province from that which had been improperly given it; and to prevent this Abuse, has expressly, and in due Form, stipulated, that the Cession should be confined to *Acadia* according to its ancient Limits.

Though this Distinction of ancient Limits is in due Form expressed in the Treaty of *Utrecht*, and though it is of extreme Importance in the present Dispute, yet the *English* Commissaries have paid so little Regard to it, that contrary to the express Terms of the Treaty, they pretend that all that has been at any time called by the Name of *Nova Scotia* is ceded to them. Hence there is no Principle, no Means pointed out in their Memorial for determining the Distinction of the ancient Limits from what is not yet comprehended in them. Nothing else could follow from this but what has happened; all their

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different Allegations are foreign to the State of the Question. They may easily prove that at certain times the Name of *Acadia* was given to what was no Part of that Country, and this we do not dispute; but they cannot prove, that these very Countries made a Part of the ancient and true *Acadia*, and this alone is what they ought to prove.

This Observation serves for an Answer to most of the *English* Commissaries Allegations.

In the Answer that has been made them, we have followed the Order in which they are placed in their Memorial. This is the Subject of the VIth, VIIth, VIIIth, IXth, Xth, and XIth Articles.

We have begun by making it appear, that the *Sieur de Charnisay's* Commission, that of the *Sieur de la Tour*, his ancient Competitor and Successor, and afterwards that of the *Sieur de Villebon*, where are found the Words *Acadia* and *its Confines*, cannot be proper to determine the ancient and true Limits of *Acadia*, any more than the different Memorials of the Ministers of *France*, who have comprehended under that Denomination the Coast of the *Etchemins*, according to the false Custom that prevailed in their Time.

In relation to the Notions the Count *d'Esstrades* had entertained of these Countries, which the *English* Commissaries have endeavoured to turn to their Advantage, they are so improper to determine the true Limits of *Acadia*, that that Ambassador comprehended under it *New Holland*, at present called *New York*.

All the *English* Commissaries pretended Proofs are therefore reduced to the Inductions they have drawn from the Treaties of *Breda* and that of *Utrecht*.

When

When it shall be agreed that a *Gift* and a *Restitution* are one and the same Idea, then they may with some Foundation assimilate the Treaty of *Utrecht* to that of *Breda* : But till then it cannot be said, that what was *restored* to *France* by the Treaty of *Breda*, may serve as a Rule to determine what was *ceded* to *England* by the Treaty of *Utrecht*.

The Design of the Treaty of *Breda* was to restore the State of Affairs in *America*, and place them on the same Foot as before the reciprocal Inroads of the two Nations. In that case, the Extent of the Countries invaded, and not their Denomination, determined the Extent of the Countries restored.

The Design of the Treaty of *Utrecht* being a Cession, nothing but the Terms of the Treaty could determine its Extent. *France* has not ceded all she has enjoyed under the Name of *Acadia* ; she has ceded that Province, only according to its ancient Limits. As the Discussion of the Limits of *Acadia* would have been foreign to the Treaty of *Breda*, that Treaty is itself foreign to the present Dispute.

The *English* Commissaries have pretended, without any sort of Foundation, that the Intention of the contracting Powers, at the Peace of *Utrecht*, was to cede to *England* all that was actually claimed.

They have themselves produced an Answer of *France* of the 10th of *June* 1712, which directly proves the contrary. It appears by this Piece, that the King was unwilling to cede the Island of *Cape-Breton* to the *English*, because it would be too easy for them to shut up the Entrance to *Acadia* from the *French* : But it would have been still more easy for them to do it, if we had ceded to them all the Lands on the great Bay of *St. Laurence*, and the Southern Bank of the River of that Name.

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If the *English* Commissaries have objected to those of the King the Uncertainty of the Limits of *Acadia*, that Objection has been fully cleared up in Article XII. But we may with more Reason object to them, the Uncertainty of the Limits of *New England*.

We cannot, indeed, reconcile their different Opinions with respect to these Limits: They carry them in one Place as far as the River St. *Croix*; in another, it is only to the *Pentagoet*; but in fact the *French* have always insisted that the *Kinibeki* should be the Boundary of that Province. It appears that on many Occasions, the *English* would confine themselves to the River St. *George*; but according to their own Grants, the River *Sagabadock* is the Boundary of *New England*: This is proved by that Colony's Charter, as has been shewn at the end of the Xth Article.

As to geographical Notions, we have made a separate Article of them, which is the XIIIth.

The *English* Commissaries, in order to determine ancient Limits, have had recourse to modern Maps; but most even of these modern Maps, and all the ancient ones, confine *Acadia* within the Peninsula, or to only a Part of it.

The Opinion of the Geographers, who have believed that there is a real *Nova Scotia*, distinct and separate from *Acadia*, cannot be made a Precedent, because it has been shewn, that this is an Error; therefore attaching ourselves only to that Part of their Maps where they have placed *Acadia* Proper, we find even among *English* Authors, and *English* Geographers, that those who are most distinguished by their Knowledge and Learning, have given no other Extent to *Acadia* than the South-East Coast of the Peninsula, conformably to the Limits marked out by the King's Commissaries.

But

But it is not by Maps that we pretend to fix the Limits of *Acadia*.

Acadia.
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Article XIV. unfolds the Principles by which these Limits may be determined. It is there shewn, that we neither can, nor ought to comprehend under that Name, any Country besides those to which it was given from all Antiquity, and given constantly and exclusively of all others.

We have not confined ourselves to this general Reflection, which alone would have been decisive: But have here entered into a long detail of Proofs which are contained in the XVth, XVIth, XVIIth, XVIIIth, XIXth, and XXth Articles.

One of the first Proofs is, that these Limits have been described in plain and express Terms, in a Time not suspected, by one of the King's Governors and Lieutenant-Generals in *America*, who visited, observed, and frequented the Countries he describes during thirty-five or forty Years. His Testimony is confirmed by that of *Champlain*, the Founder and Governor of *Quebec*, and by that of *l'Esкарbot*, who was one of the principal Instruments in the first Settlement of *New France*.

After having mentioned the Arguments drawn from the Authority of these several Authors, we pass to the Examination of the authentick Records both of the *French* and *English*.

Though the most ancient *French* Grant comprehends not only *Acadia*, but the adjacent Countries, it was yet far from being so extensive as the Demands of the *English* Commissaries, which are also opposed by a Crowd of Authorities produced in the XVIIIth Article of this Memorial.

The most ancient *English* Grant of *Nova Scotia*, a Grant rendered void by the Terms in which it is expressed, is also
less

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less extensive than their Pretensions, though it comprehends *Gaspesia* and a Part of the Country of the *Etcchemins*.

The *English* demand more than the Ideal *Nova Scotia*; and, by their own Authorities, *Acadia* was only a Part of the Country to which they give that vain Denomination.

This is proved from *Cromwell's* Grant in 1656; from the Letters Patent of King *Charles II.* and from the Letters of Col. *Temple*, who was Governor and Proprietor: In short, this is the Opinion of more than one *English* Author, and this is inserted in their best Maps.

None of their Authorities, none of their Maps, countenance the Extent of their Demands; nothing is more capable of letting us see the Extravagance of their Pretensions.

But we have particularly insisted on the Treaty of *Utrecht*, because this Treaty is incontestibly, on this Occasion, a Law to the two Powers: With this, therefore, we have concluded this Memorial. This is the only Title in virtue of which *England* possesses *Acadia*; and of all Authorities it is one of the most decisive against the Pretensions of the *English* Commissaries.

This Treaty in exprefs Terms excludes *Port-Royal* from being in *Acadia*.

It describes the Situation of the Coasts of that Province from the North-east, to the South-west; it bounds them on the one End by *Canso*, and on the other by *Bay-Françoise*.

It excludes all the Pretensions of the *English* in the Gulph of St. *Laurence*, except to *Newfoundland* and the adjacent Islands.

In a word, it cedes to *England* all *Acadia*; but it does not cede either the Country of the *Etchemins*, or *Bay-Françoise*, except *Port-Royal*; it cedes neither the great Bay of *St. Lawrence*, nor the South Part of *Canada*. What the *English* would pretend to render accessary, is eight or ten times larger than the principal; and if this was any Foundation for their Pretensions, it would abolish all the Grants made by the Governors of *New France*, as well as a number of Grants, which prove that the Countries claimed by them are dependent on *Quebec*; that they are a Part of *New France*, and consequently of *Canada*, and not of *Acadia*.

From all these Observations, we have a Right to conclude, that the Pretensions of the *English* to the ancient Limits of *Acadia* are founded on false Notions of the first Settlements of the two Nations in *America*; on the unwarrantable Prejudice, that *France* has anciently possessed *Acadia*, only in virtue of the Cessions and Gifts made to her by *England*; on the Mistake of supposing the Existence of a *French* Colony in *America* under the Name of *Nova Scotia*; on the Confusion that has arisen from confounding the ancient Limits of *Acadia*, with the latter State of that Province; on the false Application of some Authorities which prove what is not disputed, and prove nothing in relation to what they are brought to prove; on the Idea of assimilating what has no Resemblance to each other, a Cession and a Restitution; in short, on an Interpretation of the Treaty of *Utrecht*, that was not thought of till forty Years after that Treaty was concluded; an Interpretation merely arbitrary,
and

Acadia.


and contradicted by authentick Papers, and even by those produced by *England*. In a word, the System of the Commissaries of his *Britannick* Majesty cannot be reconciled either with the ancient Descriptions of the Country, with ancient Authorities, or with either the Letter or Spirit of the Treaty of *Utrecht*.

Paris, the 4th of *October*, One Thousand Seven Hundred and Fifty-One.

Signed,

LA GALISSONIERE, DE SILHOUETTE.

R E P L Y
O F T H E
ENGLISH COMMISSARIES.
M E M O R I A L
P R E S E N T E D B Y
His MAJESTY's Commissaries,
T O T H E
Commissaries of His Most Christian Majesty,
In Reply to their M E M O R I A L of the 4th of *October* 1751,
concerning *Nova Scotia* or *Acadia*.

Y L P E R

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* MEMORIAL presented by His Majesty's Commissaries to the Commissaries of His Most Christian Majesty, in Reply to their Memorial of the 4th of *October* 1751, concerning *Nova Scotia* or *Acadia*.



THE Commissaries of the King of *Great-Britain* having on the 21st of *September* 1750, and on the 11th of *January* 1751, delivered two Memorials to the Commissaries of the Crown of *France*, one setting forth the Limits with which the King of *Great-Britain* claims the Country of *Acadia* or *Nova Scotia*, in *North America*, as ceded to him by the Treaty of *Utrecht*; the other containing the Reasonings and Proofs in Support of his Majesty's Right; and the *French* Commissaries having in their Answer to these Memorials, dated the 4th of *October* 1751, assigned different Limits to this Country, we shall now proceed to consider the whole Argument and Matter of that Memorial.

Acadia.
State of the
Case and De-
lineation of
the Method
pursued in this
Memorial.

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* This Memorial was drawn up by the Honourable *Charles Townshend*, who was lately one of the Right Honourable the Lords Commissioners for Trade and Plantations, and is now one of the Lords Commissioners for executing the Office of Lord High Admiral of *Great-Britain*, and transmitted to the *British* Commissaries, who presented it to the *French* Commissaries, and to which the Court of *France* has never given any Reply.

Acadia.

The *French* Commissaries by going into a Variety of Considerations, not immediately connected with the Point in Discussion, and by their Method of dividing their Heads of Argument and arranging their Materials in general, have indeed made it extremely difficult for us to strike out any Plan for our Answer, which will take in the whole of the *French* Memorial, and at the same time always preserve the true State of the Question; yet we should hope that we have discovered a Method, which will enable us to be particular, in our Answer, to every Part of their Memorial, without mixing separate Considerations, without ever seeming to acquiesce in putting the Question upon an improper Footing, or departing from that Order, in which it must be treated to be clearly understood.

The Memorial of the *French* Commissaries divides itself into two Heads; the first containing their Idea of the ancient Limits of *Acadia*, and their Proofs in support of it: The second containing their Objections to our Manner of establishing the Limits which *Great-Britain* claims. Under the former of these Heads, we shall examine what Proof results from the several Sorts of Evidence brought to shew that the ancient Limits of *Acadia* were well known and ascertained, long before any Treaty, which has been made, between the two Nations, relative to this Country. Under the latter we shall shew, how little Weight there is in the Objections which have been made, either to the Foundation, or to the Extent of his Majesty's Claim; and to these Heads we propose in the last place to annex, as the Conclusion of the whole, a summary View of the two contrary Systems of the *English* and *French* Commissaries, the Nature of their different Claims, and the Sorts of Evidence brought in support of each; for which comparative View and collective

collective Representation of the whole Argument, it will be at once and clearly seen, which of the two Systems has really the best Foundation in strictest Equity, which is most conformable to the received Opinions of the two Nations in past Times, upon the same Subject; which stands firmest upon the ancient and modern Evidence, and is most conformable to the fair Construction of the Treaty of *Utrecht*; and in one word, which must be allowed by all unprejudiced People to be the most candid, consistent, and just.

This Method chosen by us, as the most clear, will indeed oblige us to invert the Order, in which the *French* Commissaries have arranged their Matter; beginning our Answer with that Article which is the last in their Memorial. But this is a Variation which the Nature of the Subject strictly imposes upon us, which the *French* Commissaries will be convinced, upon a due Consideration of this Memorial, is not contrived by us to evade the Necessity of replying to any particular Part of their Reasoning, and, which we have made upon no other Reason, than that it will enable us to consider every Part of the *French* Memorial with the greatest Perspicuity and Comprehension.

But before we enter upon the Argument of the Memorial, it will be necessary to take some Notice of the Introduction to it; in which the *French* Commissaries have very artfully thrown together several general Positions with respect to the Nature of the Point in Discussion, general Observations upon our Manner of treating it, and particular Insinuations with Respect to the Views of *Great-Britain*, all tending to prepossess the Judgment in Favour of their System; and against which it may therefore be material to guard in this first Instance, that so the Mind may go into the Consideration of every thing free from any particular Prejudice.

*Answer to
the Introduction
of the
Memorial of
the French
Commissaries.*

Acadia. The Introduction begins with this general Remark; “ Les cours de France & d’Angleterre s’étant déterminés après le dernier traité de Paix d’Aix la Chapelle à nommer des Commissaires pour regler les limites des Païs que les deux couronnes possèdent dans l’Amerique septentrionale on étoit persuadé que dans les Conférences qui se tiendroient à cette occasion il ne devoit être question que du traité d’Utrecht, comme le seul titre duquel l’Angleterre possède aujourd’hui l’Acadie avec ses anciennes limites.” — In a subsequent Paragraph the *French* Commissaries observe that, “ Les articles 12 & 13 de ce traité sont si clairs & si précis, qu’on avoit lieu de presumer que l’on s’accorderoit aisément sur les points qui pouvoient former quelques difficultés.” — In another Place they say, “ L’examen de ces deux articles auroit pû se renfermer dans des bornes fort étroites, tout annonce; & l’on sait d’ailleurs que la cour de Londres a eu pour objet, de s’assurer en faveur des habitans d’Angleterre des lieux les plus à portée de la pêche & les plus abondantes.” — In a fourth they add, that “ Le Traité d’Utrecht ne pourroit fournir ni moiens ni pretextes pour soutenir aussi vastes prétensions; il a falu chercher des preuves étrangères à l’état de la question.”

If the *French* Commissaries intend nothing further by the first of these Paragraphs than to observe, that the present Negotiation for settling the respective Limits of the Dominions of the Crowns of *Great-Britain* and *France* in *America* took its Rise from the Preliminaries to the Treaty of *Aix la Chapelle*, and that in the present Discussion of the Boundaries of *Acadia* or *Nova Scotia*, great Attention is to be paid to the Words and real Sense of the Treaty of *Utrecht*, as the Treaty which last authentically fixed the Propriety of that Country, by transferring

ring it to *Great-Britain*; these are Matters of Fact undeniably evident, which having been mentioned in this Light would have required no Answer; but as, on the contrary, it is evident from every Part of the Memorial, that the *French* Commissioners mean here to lay it down as a leading Principle in this Discussion, that because the Peace of *Utrecht* ceded this Country to *Great-Britain*, therefore no additional Lights and Evidence are to be brought from Acts of Government, Treaties between the two Nations, or similar Cessions of the same Territory previous to the Treaty of *Utrecht*, to clear up and enforce the true Meaning and real Intention of that Treaty: We hold ourselves obliged to protest against this general Principle, as one which we cannot admit to be true in any Degree, and which seems to have been inserted here, merely to create a Prejudice to our System before it has been considered.

The Sense of the other Passages is, that the Construction of the 12th and 13th Articles of the Treaty of *Utrecht* is very clear and precise——That the View of *Great-Britain* in those Articles was to secure to the *English* an exclusive Fishery——And that the *English* Commissioners, unable to support the Claim of *Great-Britain* upon the Words in the Treaty of *Utrecht*, have reasoned upon Evidence and Argument foreign to the Question.

The Words in the 12th and 13th Articles of the Treaty of *Utrecht* are certainly very plain in their Meaning, but the *English* Commissioners cannot, in any Degree, allow the Interpretation here put by the *French* Commissioners upon those Articles, or admit the Assertion, that the *English* Commissioners, in endeavouring to demonstrate the true Meaning of those Articles, by the Help of Circumstances similar or cotemporary, have reasoned upon Evidence foreign to the Question.

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Acadia.

The Design of the Crown of *Great-Britain* in the 12th Article of this Treaty, was to gain Possession of all *Acadia* or *Nova Scotia*, as a Territory which would give Strength and Intireness to the *British* Settlements in *North America*. The Intention of the Crown of *Great-Britain*, in excluding by Treaty the *French* from Fishing within the Limits described in Parts of the twelfth and thirteenth Articles, was to confine to the *English* that beneficial Branch of Commerce within the District there named: And with what Colour of Argument can the *French* Commissaries infer from this Stipulation of an exclusive Fishery in Parts of these Articles, that the Fishery was the prevailing Object of *Great-Britain* in the whole of both of them? Can they seriously think, that, in order to force and confine the Meaning of the Words of Cession of *Acadia* in the 12th Article to a narrow Sense, and to change the Limits there meant, nothing further is necessary than thus first to misrepresent the Views of *Great-Britain* at the Time of the Treaty, and afterwards support their Misconstruction of the Words of the Treaty by the Help of that very Misrepresentation? The View of *Great-Britain*, in the 12th Article of this Treaty, was the same with that *France* entertained at the Treaty of St. Germain's, and at the Treaty of Breda; the Recovery of *Acadia* or *Nova Scotia*, the same Country which made Part of the general Restitution of *New France*, by the Treaty of St. Germain's, and the same Country which under the Name of *Acadia* only was restored to *France* by the Treaty of Breda, and afterwards actually possessed by *France* in consequence of it; and this Object was intirely distinct from the exclusive Fishery. Each Object, and the Words in which each is contained, must stand upon its own separate Foundation, however it may serve the Purpose of his Most Christian Majesty's Commissaries to treat them

them as one, and so restrain the Sense of one Part of these Articles by confounding it with the others. *Acadia.*

To shew that those Evidences by which the *English* Commissioners have endeavoured to enforce the true Meaning of the 12th Article of the Treaty of *Utrecht* are not “étrangeres à l'état de la question,” we need only state from whence this Dispute has taken its rise, and what is the Nature of it, the Treaty of *Utrecht* having ceded to *Great-Britain*, *Novam Scotiam sive Acadiam totam limitibus suis antiquis comprehensam*, &c. Clear and precise as the *French* Commissioners now think the Words of that Treaty, a Difference of Construction has by them been raised upon them, and different Limits are assigned by the two Crowns as the ancient Limits. In this, the Treaty of *Utrecht* becomes doubtful; and how is this Doubt to be settled? By the Words of the Treaty itself; the Doubt is originally raised upon them; but suppose any other Treaties can be found in which this Country has been before transferred, or any authentick Proceedings by which the Limits of *Acadia* or *Nova Scotia* have been clearly ascertained, upon Enquiry and Discussion, or any Declarations made by the two Crowns during the Negotiation of that Treaty itself, by which the Intentions of the two Crowns at the Time can be fully demonstrated, are not such the only sufficient and proper Transactions to which we can refer or appeal, for deciding what Extent is to be given to those Words in the Treaty of *Utrecht*, which transfer to *Great-Britain*, *Acadia* or *Nova Scotia* with its ancient Limits? Are not these the very Evidences which the *French* Commissioners affect to set aside in their Memorial, as being “étrangeres à l'état de la question?”

Acadia. The Treaty of St. *Germain's* transferred *Nova Scotia* or *Acadia* to *France*, and 'tis well known with what Limits *France* received *Acadia* under the general Restitution made by that Treaty: In executing the Restitution made to *France* by the Treaty of *Breda*, a Doubt arose upon the Limits of the Country, and a long and particular Discussion followed upon it, in consequence of which the Limits were decided: The Country ceded by the Treaty of *Utrecht* to *Great-Britain* is the same *Acadia* which the Treaty of St. *Germain's* transferred to *France* under the Name of *Acadie*. The Dispute now revived upon the Limits of that Country is the same as that which occurred in the Execution of the Treaty of *Breda*, and was then decided; and yet the *French* Commissioners do not scruple to assert, that no Argument can be drawn from the Treaty of *Breda* to shew the Sense of the 12th Article of the Treaty of *Utrecht*, although the Doubt now raised by them upon the latter Treaty occurred in the Performance of the former; and the whole Matter now in Dispute between *Great-Britain* and *France* arising upon the Treaty of *Utrecht*, was after the Treaty of *Breda* determined by *Great-Britain* in Favour of *France*: The Crown of *France* then making the very same Claim which *Great-Britain* now does, and supporting it upon the very same Method of Argument and Sort of Proof which *Great-Britain* now alledges, and which the *French* Commissioners now condemn as foreign to the Question.

The Connection between some Parts of these Treaties, and the Necessity of recurring to the two first for the Solution of what Disputes arise upon the last of them in this particular Matter, will be shewn by every Part of the general Reasoning of this Memorial; in which it will be fully demonstrated by the
Medium

Medium of these very Treaties which the *French* Commissioners say “ ne tendent qu’à obscurcir la matière & à faire disparaître le traité d’Utrecht,” that the *English* Commissioners never lose Sight of the Treaty of *Utrecht* in their whole Argument, and that the *French* Commissioners on the contrary have nothing left them but this Alternative, either to drop their Doubt upon the Treaty of *Utrecht*, or decide it by the old Decision passed by the two Nations upon the same Question after the Treaty of *Breda*; a Rule which is plainly pointed out by the Treaty of *Utrecht* itself, as the proper Method of deciding any Doubt upon it, in those Words of the 12th Article by which *Acadia* is ceded to *Great-Britain*, “ una cum Dominio, Proprietate, Possessione, & quocumque jure sive per Pacta sive alio modo quæsito quod Rex Christianissimus, Corona Galliarum, aut ejusdem Subditi quicumque ad dictas Insulas, Terras, & Loca, eorumque Incolas hactenus habuerunt.”

The *French* Commissioners have also in this Introduction thrown out several Observations with Respect to the Conduct of *Great-Britain* in this particular Discussion, and the Views which they suppose *Great-Britain* to have in the Claim which she makes, that require a particular Answer. In one Part of it, speaking of the Clearness of the Construction of the Treaty of *Utrecht*, they say, “ qu’on avoit lieu de presumer que l’on s’accorderoit aisément sur les points qui pouvoient former quelques difficultés, que l’unique objet devoit se reduire à prendre des arangemens de concert, & à se prêter de part & d’autre à certaines convenances reciproques pour tacher de prévenir tout sujet de trouble & d’altercation qui put donner atteinte à la tranquillité & à la bonne intelligence si desirables entre les deux peuples voisins, & qui habitent des Contrées

Acadia. “aussi éloignées de leurs Souverains.” In another Passage, having observed that the View of *Great-Britain* in the 12th and 13th Articles of the Treaty of *Utrecht* was to secure an exclusive Fishery to the *English*, they add these Words, “& “non d’envahir le Canada, ni d’en fermer l’Entrée à la “France, on n’a point vû, depuis près de quarante ans qui se “sont coulés depuis la Signature du Traité d’*Utrecht*, que la “Cour Britannique, malgré plus d’une circonstance favorable, “ait formé des Pretensions pareilles à celles qu’on élève au- “jourd’hui, quoique c’eût été le tems de faire valoir les Recla- “mations qui auroient été fondées en droit & en raison.” And in a third Place they carry this Insinuation yet further, “ne “pourroit on pas soupçonner, sans injustice, que l’on a formé, “quelque nouveau Projet en Angleterre, qui ne tend à rien “moins qu’ à envahir le Canada en entier à la premiere occasion “favorable ?”

To these general Remarks, which we have collected together for the Sake of Conciseness, we think it enough to make this general Answer: First, that as to the two first of them, His Majesty is fully sensible of the Expediency and extreme Satisfaction which would arise to the Subjects of both Crowns in *North America*, from a final Ascertainment of the Boundaries of their respective Dominions. His Majesty is also extremely desirous of strengthening and perpetuating the present Peace and good Correspondence which subsists between the two Crowns, and of promoting by every Method in His Power the amicable Settlement of every Matter in Dispute between them ; but then the more important that Interest is which His Majesty has in this Question, and the more remote His Subjects in *America* are from his Person and the immediate Residence of his Government,

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the more necessary does he judge it to be, to maintain his actual Rights, and to preserve his just Dominions in *America* entire, for the Encouragement, Advantage, and Security of those very Subjects.—Secondly, that whatever may be meant by the favourable Opportunities which it is hinted have been passed over by *Great-Britain*, of reviving her present Claim, the King of *Great-Britain* has always considered the Country ceded to him by the Treaty of *Utrecht*, with its ancient Limits, to be the same *Acadia* he now claims. And, lastly, that His Majesty gave the strongest Proof of his Willingness to take proper Measures in concert with *France* for adjusting all Differences when he acceded to the present Negotiation, and continues to act at this Moment, according to the strictest Justice and Candour, when he claims no other Possession of *Nova Scotia* or *Acadia* in consequence of the Treaty of *Utrecht*, than the Crown of *France* actually enjoyed by the Treaty of *Breda*, making the Claim of *France* in consequence of that Treaty, and the Possession of *France* in consequence of that disputed Claim, the Rule and Boundary of his own Pretensions.

The best way of replying to the Insinuation, that the present Claim of *Great-Britain* is contrived to facilitate and prepare the Way for the Invasion of *Canada*, is by an Appeal to the late Counsels and Measures of *Great-Britain*, and the Part she has acted both in *Europe* and *America*: In many Instances the Protectress, but in none the Invader of the Rights of other Nations, and who has never at any Juncture or in any Instance broke in upon the Possessions of *France* in *America*, contrary to the Laws of Peace, and to the Faith of strictest Alliance and Friendship. The Rights of one Nation are not

Acadia. to be determined upon the Apprehensions of another; nor is *Great-Britain* to have her Possession of *Acadia* or *Nova Scotia* narrowed and pared down to the Idea of the *French* Commissaries, and reduced to the South-eastern Part of the Peninsula, merely because, if fully possessed and improved by *Great-Britain*, it may give Umbrage to the *French* Settlements in *Canada*: This is to make *Great-Britain* hold this Country by a still more precarious and barren Tenure, not even by the Treaty of *Utrecht*, as the *French* Commissaries themselves explain it, but by the comparative State of the *French* Colonies in *America*. His Majesty demands this Country in its ancient and determined Extent, and whatever be hereafter the State of its Improvements, the Strength resulting from it will be used for the Maintenance of his just Rights and the Protection of his own Subjects, without being ever used as the Means of Injustice, or becoming in his Hands the Instrument of Usurpation.

As to the Charge in this Introduction brought against the *English*, as having possessed themselves of *Acadia* in 1629, and 1654, Times of full Peace: A due Attention to the History of those Times would have prevented its being made. *England* declared War against *France* in 1627 (a), in consequence of which, the Expeditions for the Relief of *Rochelle* and the Descent on the Isle of *Ré* were undertaken. This War was not ended till 1632 (b). And therefore the taking of *Nova Scotia*

or

AUTHORITIES.

- (a) *Rapin's History of England*, Vol. 2. fo. edit. p. 260.
Rushworth's Collections, Vol. 1. p. 425, &c.
 (b) *Corps diplom.* tom. 6. partie 1. p. 31.

or *Acadia* by the *English* in 1629 was a very natural and allowable Hostility. As to the Action in 1654, the *French* Commissioners are mistaken when they say that the *Commonwealth* of *Great-Britain*, and the Crown of *France* were then in full Peace; continual and open Hostilities were carried on by the two Nations during the whole Year 1652 (c). *France* had entered into an offensive and defensive Alliance with the declared Enemies of the Commonwealth of *England*, and *Cromwell* in this very Year 1654, refused to admit *France* a Party to a Treaty made with the States (d): This mutual Ill-will and reciprocal Hostility continued till 1655, when the Treaty of *Westminster* was made, which plainly appears by the Provisions of it (e) to have been made to re-establish Peace in general. And the *American* Restitution seems to have been only an accidental and not the main Object of it. It is for these Reasons hoped, that when the History of the Times has been consulted, and the Facts just cited have had their proper Weight with the *French* Commissioners, they will no longer think these Proceedings of the *English* in 1629 and 1654 were unjust or contrary to the Law of Nations, which surely admits of all Hostilities between declared Enemies. We shall conclude what we have to observe upon this Introduction with our Answer to the following Part of it.

“ Pour

AUTHORITIES.

(c) Lettre de M. D'Éstrades, Vol. 1. p. 289.

(d) Bagnage annales des Provinces Unies, p. 352.

(e) Treaty of *Westminster*. Corps diplom. Tom. 6. partie 2. p. 121.

Acadia.

“ Pour donner plus de poids & de credit à des impressions
 “ qui sont détruites par le seule inspection des Traités, & pour
 “ persuader que la France ne tenoit l’Acadie que des dons &
 “ des cessions de l’Angleterre, ils donnent à entendre dans plu-
 “ sieurs endroits de leur Memoire, & ils ont produit plusieurs
 “ extraits qui portent que les Païs qu’ils reclament faisoient partie
 “ de l’ancien Domaine de leur Couronne, & auroient été dans
 “ leur Origine établis par l’Angleterre. Ils supposent même,
 “ mais à la verité sans aucune preuve, que nos anciens Rois
 “ ont confirmé des concessions anciennement faites dans ces
 “ Païs de l’autorité du Gouvernement d’Angleterre. Tous ces
 “ faits ne sont pas mieux fondés que les inductions tirées des
 “ traités de St. Germain & de Breda. Les François avoient
 “ établis l’Acadie avant que les Anglois eussent aucune Colonie
 “ en Amerique. Ce fait, qui seul détruit par le fondement toutes
 “ leurs pretentions à cet egard, sera prouvé par des pièces &
 “ des autorités incontestables.”

The *English* Commissaries in their Memorial have been careful to dwell as little as possible upon the sort of Right arising from earliest Discovery or Settlement, as thinking such Argument of little or no Weight upon a Matter where Treaties have more than once interposed to determine Possessions, and regulate all earlier Claims ; and where it is not *the present Right*, but *the Extent of Possession*, which is questioned. The particular Allegations in our Memorial, which have given rise to this Observation of the *French* Commissaries, will be defended under the proper Heads ; and at present the *English* Commissaries will only remark, that in such a Discussion as this, upon the Sense of the Words of a recent Treaty, which is allowed on all hands to fix the Possession or Propriety of this Country, to lay

lay any great Strefs upon the original and antiquated Right from first Discovery and Settlement is, “ à chercher des preuves “ étrangères à l'état de la question ; ” and to introduce obsolete Considerations, “ qui ne tendent qu'à obscurcir la matière “ & à faire disparaître le Traité d'Utrecht.”

The rest of the Introduction to the Memorial of the *French* Commissioners being nothing more than a Delineation of the Method afterwards followed in it, there can be no Necessity of dwelling any longer upon it. The *English* Commissioners thought it incumbent upon them to make the Reply they have done to the general Endeavour, so striking in this Preface, to shift the real Merits of the Question in Discussion, and to lead the Mind aside from the only fair and proper Way of deciding upon it ; and they should have been much more circumstantial in their Answer to several Parts of this Introduction, if the same Matter did not occur under other and distinct Articles in the *French* Memorial, where they will be separately considered.

We now proceed to consider the particular Authorities upon which the *French* Commissioners argue, to prove that the ancient Limits of *Acadia* were well known and ascertained before the Treaty of *St. Germain's* in 1632, which are the ancient Maps of that Country, the Testimony of *French* Historians, and the different Names, which, as they alledge, have been given to several Parts of that Country which we call *Acadia* ; all which Evidences, and the Reasoning deduced from them, we shall examine in their own Order.

Consideration of Maps of Acadia.

In treating of Maps it may not be improper to remind the *French* Commissioners, that the Commissioners of the King of *Great-Britain* were not the first who appealed to these as an Authority in the present Discussion : That they never have cited

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them

Acadia. them but to correct Mistakes made by the *French* Commissaries: That they in their last Memorial disclaimed any very great Reliance upon the Evidence of Maps, even where they have proved them to favour the Claim of the King of *Great-Britain*. And that they should not at this Time have gone into a more minute Consideration of them, if the *French* Commissaries had not made it necessary, by again giving a much greater Credit to Maps than they deserve, and by affecting to make them seem material in the Discussion of the Point before us; and if they did not themselves judge it to be essential, not to leave any one of the Proofs urged by the *French* Commissaries in support of their System without a sufficient Confutation.

Les cartes
faites chez
toutes les Na-
tions dans des
temps non suf-
fisans, les fixent
bien précisé-
ment d'après
la position na-
turelle aux
terres qui com-
posent cette
Péninsule tri-
angulaire, qui
s'étend depuis
la mer, entre
le passage de
Canséau &
l'entrée de la
baie Française
jusqu'à ce pe-
tit Isthme qui
sépare le fond
de cette baie,
de la baie
Verte dans le
golphe.

The *Sieur Durand* having in 1749 delivered a Memorial from the *French* Court, in which it is asserted, that the ancient Limits of *Acadia* are comprized within the Peninsula which is bounded by the Passage of *Canséau*, the Entrance of the Bay of *Fundy*, and the Isthmus at Bay *Verte*, and vouched all the Maps ever made by the Subjects of any Country in Times of any Credibility as unanimously assigning the same Limits to *Acadia*. To confute this Assertion, we produced in our Memorial of the 11th of January 1751, four Charts published by *French* Geographers of the greatest Eminence in Times of the greatest Credibility, all which place the Western Limits of *Acadia* as far as *Pentagoet*, and carry the Northern much beyond the Isthmus above the Head of the Bay of *Fundy*, and were therefore so many unanswerable Confutations of the general Assertion of the *Sieur Durand*, and of the Limits he assigned upon the Authority of Maps.

To these Charts the *French* Commissaries in the second Paragraph of their 13th Article, entitled “ *Objections des Commis-
saires Anglois sur les Notions Geographiques de l'Acadie,*”
have

have objected that none of them are very ancient. And in the 36th Paragraph, they conclude the Article with remarking, that the Sentiments of all Geographers are contrary to his Majesty's Pretensions, and more particularly the *English*; and that all those who have best understood History and Geography, have confined *Acadia* to the South-eastern Part of the Peninsula; by which Revival of this Sort of Evidence, the *French* Commissioners have made it incumbent upon us, however we may disregard it as inconclusive, to state that Information which really does result from the more ancient Maps of *North America*.

The most ancient Chart extant of this Country is that which *Esscarbot* published with his History in 1609, but in that, the very Name of *Acadia* is not to be found; and both the Situation and Names of every Country within that Map, are so ignorantly placed and assigned, that little Authority can be drawn from it in favour of any Opinion.

The next most ancient Map is found in *Purchas's Pilgrim*, Tom. 4. which was published in 1625. In this *New France* is limited to the North Side of the River *Canada*; the whole Peninsula and Continent adjoining as far as the Southern Bank of *Canada* is named *New Scotland*. The Name of *New Scotland* is marked on both Sides of the Bay of Fundy (there called *Argal's Bay*) as far Westward as *New England*, whose Eastern Boundary is there marked to be the River *St. Croix*.

This is the first ancient Map of this Country which has the Marks of Knowledge and Correctness in it; it was published within about twenty Years after the earliest Settlements made in this Country by the *English* and *French*, which gave Geographers an Opportunity of getting a Knowledge of it. It is one of those ancient *English* Maps, which the *French* Commis-

Acadia. saries have challenged us to produce; and it marks both the Boundaries of every Territory within it, and the Limits of *Nova Scotia* or *Acadia* in every Particular, contrary to the Description of the *French* Commissioners; this Map therefore confutes the System of the Court of *France*, as far as the Authority of one Map goes, and proves the *French* Commissioners not to have been more fortunate in their general Assertion, with respect to the ancient *English* Maps, than the *Sieur Durand* has been in his, with respect to all Maps whatever.

The next Map in Order of Time is the *Indiæ Occidentalis Tabula generalis*, published by *Laet* in 1633. In this *Nova Francia* is confined to the North Side of the River *Canada*; the Peninsula and Continent adjoining are marked as far as the Southern Banks of the River *Canada*, with the Name *Nova Scotia*, which is extended on both Sides the Bay of *Fundy* as far Westward as *New England*. It is true, there are two other Charts in this History of *Laet*, which in some Respects differ from this; but this which we have cited is his general Map to his whole Book, and that which he made according to his own Opinion and Notions of the Countries included in it. His second Map, entitled *Nova Francia & Regiones adjacentes*, was formed upon the *French* Accounts of that Country, which had been printed before the Publication of his History, as he informs his Reader in the 18th Chapter of his second Book, page 55; where he says, “*Hic nobis propositum fuit Novæ Franciæ descriptionem ex Francorum potissimùm observationibus contexere.*” And his third Map, entitled *Novum Belgium, &c.* appears to have been copied from that of *Nova Francia*, so far as it regards the Country of *Nova Scotia* or *Acadia*.

The

The *English* Maps which follow after *Purchas* in Point of Time, are one by *Berry* dedicated to King *Charles* the Second, which is entitled, *North America divided into its principal Parts*, in which are distinguished the several Territories which belong to the *English*, *Spaniards*, and *French*. *Acadia.*

Another by *Morden*, which also appears to have been published in King *Charles* the Second's Reign, and is entitled, *A Map of the English Empire on the Continent of America*; and a third by *Thornton*, published in the Reign of King *William* the Third, entitled, *A new Chart of the Sea-Coast of Newfoundland, New Scotland, New England, New Jersey, Pennsylvania, Maryland, Virginia, and Part of Carolina.*

These *English* Maps, whose Authority, as *English* Maps, is the greater for their having been published during the Time that *France* was in Possession of *Acadia*, confine the Limits of *Canada*, as the Charts of *Purchas* and *Laet* do, to the North Side of the River *Canada*, and mark the Peninsula and Continent adjoining to it, as far as the Southern Banks of that River, with the Name of *Nova Scotia*, or *New Scotland*, which is extended on both Sides of the Bay of *Fundy*, as far Westward as *New England*, whose Eastern and Northern Boundaries are marked to be *St. Croix* and the River *Canada*.

These are three more *English* Maps which exactly coincide with the ancient Limits set forth in our Memorial of the 21st of *September* 1750, which, with the Maps cited from *Laet* and *Visser*, fully prove that the most authentick ancient Maps made in different Countries are in Favour of the Demand of *Great-Britain*: And that the *French* Commissioners were a little misled when they called upon us to produce any such ancient *English*

Acadia. English Maps, as we have now done, as Evidences not to be found.

As to the four *French* Maps cited in our former Memorial, published by *De Lisle*, *Bellin*, and *D'Anville*; although they don't extend the Northern Limits of *Acadia* to the Southern Bank of the River *Canada*, which may be accounted far from the Government of *Canada*, being extended in some of the *French* Commissions ten Leagues on the South Side of that River, yet they evidently confine the Country of *New France* to the North Side of it, and mark out the Limits between *Acadia* and *New England* to the Westward, according to his Majesty's Claim.

These *French* Maps also ought to carry extraordinary Weight, especially where they support the Claim of *Great-Britain*, if so much Credit be due, as the *French* Commissaries say there is, to the Maps of those, who in their own Countries are esteemed to have best “*aprofondi l'histoire & la geographie*,” and to have “*travaillé sur les titres*.”

As the *French* Commissaries have gone so far into the Consideration of Maps, it may not be improper to observe in Aid of the Authorities already cited, that *Champlain* in his Map carries *Acadia* beyond the Peninsula, and makes *Pentagoet* the Western Boundary of it. That *Hennepin* (a) in the Maps published with his Travels, marks *Acadia* on the Continent between *New England* and the River *St. Laurence*.

That

AUTHORITY.

(a) *Hennepin's Travels* 1683.

That *de Fer* (a) Geographer to the King of *France* makes *Acadia*.
Nova Scotia and *Acadia* one and the same Country, assigning
the same Extent of Limits to both, and extends it to *Canada*
Northwards: In his Map he makes the Western Limits of *Nova*
Scotia or *Acadia* to extend to the River *Pentagoet*, which
he makes the Boundary between it and *New England*; and
that *Gendreville* in his *Atlas Historique* makes *Acadia* to ex-
tend from the *Kennebec*, which he calls its Frontier, to the
Island called *l'Isle Perçee* at the Mouth of the River *St. Lau-*
rence (b).

The three *English* Maps cited by the *French* Commissaries
are, one by Mr. *Halley*, another by Mr. *Popple*, and a third by
Mr. *Salmon*; and to give them the greater Weight, they are
very careful to do Justice to the great Knowledge of Mr. *Hal-*
ley in Geography and Astronomy, and they observe that Mr.
Popple is one of those who have “ travaille sur les titres.”
The Fact is, that *Acadia* is marked in Mr. *Halley*'s Map with-
in the Peninsula near the Sea-Coast, and *Nova Scotia* near
the *Isthmus*, from which it appears, that he did not think
Acadia was confined to the South-east Part of the Peninsula,
and that he was very little attentive to the Position of Countries
in his Map; his only View having been to shew the several
Variations of the Needle in the several Degrees of Longitude
there marked; the whole Map full of geographical Errors proves
this to have been his Design, and the *French* Commissaries chose
an unfortunate Topic to commend Mr. *Halley* upon, when
they

AUTHORITIES.

(a) De Fer atlas curieux 1705, page 121.

(b) Gendreville atlas historique 1719, Vol. 6. page 86.

Acadia. they cited this Chart as a Specimen of his profound Knowledge in Geography; however strong an Example this very Map may be of that Gentleman's great Skill in Astronomy, and however perfect it may be in the Light and for the Purpose he designed it.

As to Mr. *Popple's* Map, the *French* Commissioners have no other Authority from any Circumstances attending the Publication of that Map, for supposing that it was made under the Inspection or Patronage of the Board of Trade, or for representing Mr. *Popple* as a Person whose Situation should give additional Credit to it; than that Mr. *Popple* has said in the Margin of his Map, that he undertook that Work with the Approbation of the Lords Commissioners of Trade and Plantations, who might very well approve of *such an Undertaking*, but who never superintended or approved of Mr. *Popple's* Manner of executing it. Mr. *Popple* inserted this marginal Note merely to secure a better Reception to his Work; he does not pretend in it, that the then Board of Trade had ever approved of any thing farther than the Undertaking; his Map was framed according to his own particular Notions; he published it upon his own single Authority; the Board of Trade at the Time gave it no extraordinary Sanction. It is inconsistent with the very Records it pretends to have copied; it came into the World as the Performance of a single Person; it has ever been thought in *Great-Britain* to be a very incorrect Map, and has never in any Negotiation between the two Crowns been appealed to by *Great-Britain*, as being correct, or a Map of any Authority.

But if the *French* Commissioners could make this Map to have been the Work of a Servant of the *English* Government directed at the time by the Board of Trade, what Evidence could

could they draw from it, of any Effect in the present Discussion? Mr. *Popple* has marked the Peninsula with the Name of *Acadia*, and the whole Country Westward as far as the Southern Bank of the River *St. Laurence* with the Name of *Nova Scotia*, of which he makes *St. Croix* the Western Boundary, which shews he thought the Country of *Acadia* or *Nova Scotia* extended from the Southern Bank of the River *St. Laurence* to *St. Croix*, and makes his Map but a very slight Authority for the *French* Commissioners, who confine *Acadia* or *Nova Scotia* to the South-eastern Part of the Peninsula, or for the Opinion of the *Sieur Durand*, who confines it to the whole of the Peninsula only.

As to Mr. *Salmon*, the *English* Commissioners little expected ever to have heard his Authority cited in a national Discussion. The Author himself is a very obscure Man, in great Distress, who writes entirely for Bread; his Opportunities of Knowledge are very small, and his Knowledge is in Proportion to them; and the *French* Commissioners could not possibly have found any other Work upon any Subject in the whole *English* Language of so little Authority, and so little Credibility in all Lights as this History of Mr. *Salmon's* which they have cited; it would be endless to transcribe Instances of the Ignorance of this Author, upon whose Authority, should it ever be admitted in Discussions of this Nature, almost every Error in Fact, or in Geography, may be supported upon some Part of his Writings: We persuade ourselves that the *French* Commissioners would not have appealed to his Writings, as to any Authority, if they had been better informed of the Character and Situation of the Writer, and the universal Contempt shown to his Writings in his own Country, or if they had considered how little Credibility is due to his

Acadia. Testimony if his whole Account of *America* be taken together.

If the *English* Commissaries had thought that any Evidence brought from Writers of so little Reputation or Credibility as Mr. *Salmon*, would have ever been made a Part of the Proofs used in a national Discussion of this Nature, they could have also cited an infinite Variety of *French* Writers, and their Maps, of more Authority than Mr. *Salmon*, who all describe *Acadia* as his Majesty claims it; but the *English* Commissaries were not desirous of swelling their Proofs by such Kind of additional Testimony, which can only increase the Bulk of any Evidence without adding to the Force of it, and often delays the original Question by creating lesser Contentions about the Credibility of particular Authorities.

Evidence resulting from Maps.

From this Detail and particular Consideration of this first Head of Argument in the *French* Memorial, it is evident, that it was the *Sieur Durand* who first appealed to the Authority of Maps, which imposed a Necessity upon us to confute that general and mistaken Assertion which he made, that Maps of all Nations support the Opinion of the Crown of *France*. — That the *French* Commissaries have obliged us by the new Positions which they have laid down with respect to Maps in general, and by their Observations upon those we cited in our Answer to the *Sieur Durand*, to go a second Time into this Consideration. — That the more ancient Maps which we have now cited, as well as those cited before, absolutely contradict and destroy the Idea which the *French* Commissaries have of the ancient Limits of *Acadia*. — That among the great Variety of Maps, which we have produced of different Countries made at so many different Periods of Time, there is not a single one to be found, not even among the *French* Maps

Maps themselves, which does not expressly confute the main and the essential Part of the System of the *French* Commissioners. — That though they do not all exactly mark out the ancient Limits as the Commissioners of his Majesty contend for them, yet every Map is a distinct and a clear Answer to the Opinion of the *French* Commissioners as founded upon Maps, because every Map differs from their Description of the ancient Limits in some essential Point, and all of them are inconsistent and irreconcilable with their general Idea of them. — That if the *French* Commissioners were admitted to decide the ancient Limits upon the Testimony of Maps, they have not yet found any one Map made in any Country in any Time, which assigns the ancient Limits according to their Pretensions. — And that the more they have pressed this particular Argument, first begun by the *Sieur Durand*, the greater Evidence have they gradually brought out against themselves, until they have now made it clear, by their Enquiry, and upon their Citations as well as ours, that many ancient and modern Maps made in different Countries support the Claim of his Majesty as marked out in our Memorial of the 21st of *September* 1750, but that no one can be found to authenticate in any Degree, or in any one Particular, the Pretensions of *France*.

The second Authority upon which the *French* Commissioners *Historians*, rely, for the Proof of the ancient Limits they assign, is taken from *Historians* of *North America*; and these are the *Sieurs Denys, Champlain, and Esкарbot*.

But before we enter upon this Head, we cannot help taking some Notice of the very uncommon and broken Manner in which the *French* Commissioners have cited these Authors, and how

Acadia. much the Proof, which they pretend to draw from them, is founded upon general Observations; on their Title Pages; on marginal Notes found in their Works, and by the *French* Commissaries incorporated into them; frequently on single Expressions detached from the Context; and sometimes upon the mere Omissions of the Name of *Acadia*; rather than upon the fair and entire Sense of any Passage in these Writers fully and satisfactorily cited.

Books may be made to carry any Appearance by being quoted imperfectly; and the only conclusive Way of arguing from them, is by taking every Paragraph in question entire, and considering every Passage of the Author, in which he treats of the same Subject, as Part of the same Opinion, and collecting that Opinion from the whole State.

Denys.

The first Passage cited out of the Works of the *Sieur Denys* by the *French* Commissaries is this, “ Par ces provisions, qui
 “ sont du 30 Janvier 1654, il est dit qu’il avoit été nommé &
 “ établi gouverneur en toute l’étendue de la grande baye St.
 “ Laurent & Isles adjacentes, à commencer depuis le cap Can-
 “ seau jusqu’au cap de Rosiers, en la Nouvelle France, en sorte que
 “ ces provisions mêmes sont un titre que son gouvernement étoit
 “ situé dans la Nouvelle France, au Canada, & non en Acadie.”
 From the Manner in which the *Sieur Denys*’s Government is here said to be in *New France*, the *French* Commissaries argue, that the Country from Cape *Canséau* to Cape *Rosiers*, now claimed by *England* as Part of *Acadia*, was situated in *New France*, and not in *Acadia*. And as another Proof of the same Point they add, that, “ indépendamment de ce gouvernement le Roi lui accor-
 “ da par les mêmes lettres la faculté d’établir une pêche séden-
 “ taire, tant dans ledit País qu’à la côte d’Acadie; ce qui montre
 “ de

“ de plus en plus que son gouvernement étoit distinct de l’Acadie, & n’en faisoit point partie.” Acadia.

In Answer to their Application of these Paragraphs, we will in the first place prove, from the best Authority, that *New France* was the Term generally given at the Time of the Sieur *Denys*’s Commission to all the Territory possessed by *France* in *North America*; and secondly we will shew, from that very Passage which adds the resident Fishery to the Sieur *Denys*’s Government, that all the Country extending from Cape *Rosiers* to *New England* was, at the very Time of his Commission, considered by *France* herself as Part of *Acadia*.

It cannot but be known to the *French* Commissaries, that (a) from 1611 to the Year 1627, Commissions of the Vice-Rois and Lieutenant-Generals of *New France* were successively granted to Persons of the highest Rank in *France*, who became Governors in chief over all the Territories of *France* in *America* in consequence of those Commissions; or that in the Year 1627 (b) the Company of one hundred and seven Associates was erected, to whom all the Country of *New France* was granted; and it appears from Facts produced in Evidence by the *French* Commissaries themselves, that this Company, though possessed of no Territories, but such as were included within the Name of *New France*, did make a Grant of the River and Bay of St. *Croix* to the Sieur *Razilly* in 1632 (c),
of

AUTHORITIES.

(a) Pere Charlevoix, Book 4. Edit. 4to. page 152—161. Champlain, Part I. page 231. Part II. page 80, 81.

(q) Pere Charlevoix, Book 4. page 161.

(c) Concession faite à M. de Razilly, 19. Mai, 1632; communicated by the *French* Commissaries.

Acadia. of Lands situated upon the River of St. John's in 1635 (*d*), and of the Fur Trade of *Acadia* in 1645 (*e*), not any of which Grants the Company could have made, unless the Countries so granted had been then a Part of *New France*; in the very Recital of which Grants the Company, to show their Power of making them, call themselves the Company of *New France*, and in some of which Grants, the Company expressly call *Acadia* a Part of *New France*.

From the Nature of these Commissions to Vice-Rois of *New France*, previous to the Erection of this Company, and from the *French* Commissioners not having cited any of those Commissions to prove the contrary, *it is fair to presume* that the Vice-Rois of *New France* had always the Government of the whole *French* Territories in *America*; from the Stile of the Company erected in 1627, and the Grants made by them in consequence of their Incorporation, *it is certain* that in that Charter the Word *New France* was thought to include, and in construction was *admitted to convey* all the Possession of *France* in *North America*. And from these Authorities together, it is evident that *New France* was the Name given to all the *French* Territories in *North America* from the Year 1611, in all the most express and authentick Acts and Instruments of the *French* Government, and that no Proof can be drawn from the Manner in which the Country from Cape *Canseau* to Cape *Rosiers* is said in the *Sieur Denys's* Commission in 1654 to be in *New France*, to show that that District was not then considered as Part of *Acadia*, when
France

AUTHORITIES.

(*d*) Concession de la Compagnie au *Sieur de la Tour*, 15 Jan. 1635; communicated by the *French* Commissioners.

(*e*) Arret du Roi, 6 Mars 1645.

France had so very lately determined *Acadia* itself to be a Part of *New France*. *Acadia.*

It may not be improper to add in this Place, that (f) Pere *Charlevoix* understood the general Name of *New France* in the same Extent, not as a distinct Country in itself, but the general Name of all the *French* Possessions in *America*; for in the fourth Book of his History, after having given a summary Account of the Erection of the Company of Associates in 1627, under the Title of the Company of *New France*, with a particular Draught of their Powers, and some Account of the Expedition of the *English* in 1628, he gives this Description of the State of the *French* Colonies in *North America*, as they stood at the Treaty of *St. Germain's*: “ Le Fort
“ de *Quebec* environné de quelques méchantes maisons & de
“ quelques baragues, deux ou trois cabanes dans l’isle Mont-
“ réal, autant peut-être à *Tadoussac*, & en quelques autres
“ endroits sur le fleuve *St. Laurent* pour la commodité de la
“ pêche & de la traite, un commencement d’habitation aux
“ trois Rivières & les ruines du *Port-Royal*, voilà en quoi con-
“ sistoit la *Nouvelle France*, & tout le fruit des découvertes de
“ *Verazany* de *Jaques Cartier*, de *M. de Roberval*, de *Cham-*
“ plain, des grandes dépenses du *Marquis de la Roche*, & de
“ *M. de Montz*, & de l’industrie d’un grand nombre de *Fran-*
“ çois qui auroient pû y faire un grand établissement s’ils
“ eussent été bien conduits.”

The

AUTHORITY.

(f) Pere *Charlevoix*, Vol. I. Book 4. p. 176.

Acadia.

B.12 P.544
—17—236
—20—363
—do.—364
—do.—373

The *English* Commissioners are not ambitious of loading the Text with unnecessary Citations, or of producing additional Proofs without Necessity, for the sake of Parade, and therefore they will not transcribe any more Passages from this Historian in Confirmation of the former. But if the *French* Commissioners have still any Doubt how far he thought *Acadia* to be a Part of *New France*, we refer them to the Citations in the Margin of this Memorial, which will bring them to a Variety of Passages extremely clear and explicit.

In proving our second Head, namely, that *Acadia* is expressly said to include the whole Country from Cape *Rosiers* to *New England* in that Clause of the *Sieur Denys's* Commission which marks out the Fishery, it will be necessary first to correct some Mistakes which the *French* Commissioners have made in transcribing this Clause, the Words of which are not, “la faculté d’établir une pêche sédentaire tant dans le dit Païs qu’à la côte d’*Acadie* ;” but, “la faculté d’établir une pêche sédentaire dans l’étendue du dit Païs & côtes de l’*Acadie* jusqu’aux *Virgines*,” (g) The Necessity of re-establishing the real Words of the original Commission, as produced by the *French* Commissioners, in Opposition to this we suppose the inadvertent Citation of the *French* Commissioners must appear at first Sight, and the Restitution of the Text will carry us a great Way towards settling the true Evidence of this Passage. Had the Words been, *tant dans le dit païs qu’à la côte d’Acadie*, there might have been some Authority upon these disjunctive Adverbs for supposing the Commission meant

AUTHORITY.

(g) Provisions pour le *Sieur Denys*, 1654; communicated by the *French* Commissioners.

meant to speak of two different Countries ; but then if we determine this Matter upon the real Words of the Commission, which after having described the Country from *Cape-Canseau* to *Cape-Rosiers*, as the Limits of the *Sieur Denys's* Government, annexes to that Government a Fishery, *dans l'étendue du dit Païs & côtes de l'Acadie jusqu'aux Virgines*, it is extremely clear that this Fishery was extended throughout all *Acadia*, that is, from *Cape-Rosiers* to the *Virgines*, which was then the Name of that Part of the *English* Territories in *North America*, which lay next to *Acadia*, and which Tract is here called The whole Extent of the Territory and Coast of *Acadia* ; the Words *du dit Païs* in this latter Part of the Commission, plainly refer to the Country from *Cape-Canseau* to *Cape-Rosiers* before described, and here said to be a Part of the Coast of *Acadia*, extending to *New England*.

The *French* Commissioners have observed, that the Eastern Part of the Peninsula from *Cape-Canseau* to *Cape-Rosiers* is in this Commission of the *Sieur Denys*, made Part of the Government of the *Grande Baye de St. Laurent* ; but a very common Attention to the Circumstances of the Case will explain this. The *Sieur Denys's* Government consisted of “ toutes les Bayes “ & Territories, côtes & confins de la Grande Baye de St. Laurent, à commencer du Cap-Canseau jusqu'au Cap de Rosiers, “ Isles de Terre Neuve, Isle du Cap-Breton, de St. Jean, & “ autres Isles adjacentes,” and it was from its thus having included within it the Islands, which together with the Coast, from *Cape-Canseau* to *Cape-Rosiers*, form the Gulph of St. *Laurence*, that it took its Name. But this Union of a Part of the Peninsula with these Islands, under the same Government, cannot be thought any Proof that the Peninsula from *Cape-*

Acadia.

Canseau to *Cape-Rosiers* was always a Part of a distinct Government called the Gulph of *St. Laurence* and not of *Acadia*, against such a Variety of unexceptionable Evidence as we shall produce to the contrary, in the Course of this Memorial, where the Argument makes it more necessary.

If this whole Commission of the *Sieur Denys* be taken together, a very strong additional Circumstance occurs in support of our Construction of the former Clause granting the Resident Fishery, for if the Words “*toute l'étendue du dit païs & côtes de l'Acadie jusqu'aux Virgines*,” be interpreted as extending this Fishery along the whole Coast of *Acadia* as far as the *Virgines*, and the Words “*du dit païs*,” are interpreted as referring to the former Part of the Commission, they are very plain and consistent; but if on the contrary, “*toute l'étendue du dit païs*” be applied to the grand Bay of *St. Laurence*, and not to *Acadia*, they will extend the Fishery to *Cape-Breton*, *Newfoundland*, and the other adjacent Islands, which certainly was not the Design of the Commission.

If the Construction we have put upon the Words *Nouvelle France* in this Commission be right, and our Argument founded on the Words of the Grant of the Fishery be sufficient to shew that the Country extending from *Cape-Canseau* to the Southern Bank of the River of *St. Laurence* appears to have been considered in this very Commission as Part of *Acadia*, it may perhaps be thought by the *French* Commissaries some Confirmation of our Opinion, if we cite the *Sieur Champlain* as an Authority in point for it, who expressly says in the third Chapter of the first Part of his Voyages entitled *de la Nouvelle France*, that the River *St. Laurent cotoye la côte d'Acadie*, or in other Words, that *Acadia* extends to the Southern Banks of that River.

As to the Argument drawn from the Title of the *Sieur Denys's* Book, which the *French* Commissaires alledge is, *Description de l'Amerique septentrionale*, and not *des côtes d'Acadie*, it is a little difficult to discover the Result of the Observation on which it is founded. Would they infer from the Title of his Book, that the *Sieur Denys* was not in *Acadia*? Almost every Page in his Work says he was; or would they infer from it, that he did not deem any Part of the Country he describes to be *Acadia*? They admit themselves that a Part of his Book is a particular Description of *Acadia*; and if the Omission of *Acadia* in the Title Page, is an Argument that not any Part of the Territory he describes was thought to be *Acadia*, what becomes of the Notions of the Government of the *Grande Baye de St. Laurent*, which he never speaks of as a distinct Country, any more than of *Acadia*? The Truth is, reasoning from Title Pages is very insufficient, and all that can be collected from this Title Page in particular is, that *Acadia* is Part of *North America*.

There is as little Force in the Use which the *French* Commissaries make of that Paragraph cited to prove, that the Coast of *Acadia* begins at *Cape-Sable* and ends at *Cape-Canseau*. The Words of *Denys* are, "l'isle longue fait un passage pour sortir de la Baye-Françoise & aller trouver la terre d'Acadie, & fortant de la Baye-Françoise pour entrer à la côte d'Acadie."

Whoever reads the *Sieur Denys's* Work will agree, that he made a Tour from *Pentagoet* round the Bay of *Fundy*; of this Tract he has given a particular Description, and it is upon his coming out of the *Baye-Françoise* into the open Sea, that he calls the Coast from *Cape-Sable* to *Cape-Canseau* the Coast of *Acadia*, of which it certainly is a Part. The *Sieur Denys* does not here say this is the whole Coast of *Acadia*, nor can it be

Acadia.

proved upon this Passage that he considered it as such. On the contrary, he must have been taught by that Article in his Commission, which gave him the Fishery on the Coast of *Acadia*, extending it from the Southern Bank of the River *St. Laurence* to *Cape-Canseau*, and from thence to the *Virgines*, that the Coast from *Cape-Sable* to *Canseau* was only a Part of *Acadia*, though in giving a particular Description of all the Coast from *Pentagoet* to *Cape-Canseau*, it was convenient for him to divide this Tract into different Parts, as into the Bay from *Pentagoet* to *Cape-Sable*; and the Sea-Coast of *Acadia* from *Cape-Sable* to *Cape-Canseau*; a Method not unnatural in a coasting Voyage, where his whole Route divides itself into the Bay and the Coast from *Cape-Sable* to *Cape-Canseau*.

Having thus examined every Passage cited by the *French* Commissaries from the Work of the *Sieur Denys*, let us consider what is the Evidence resulting from this Writer, and in favour of which Claim. Have the *French* Commissaries been able to found any Evidence upon any of the Passages which they have cited from this Author, which is not capable of being confuted singly upon restoring the real Text of the Writer? and has it not been demonstrated that the Whole of the Commission of the *Sieur Denys*, if it be considered together in a general Light, and with any Degree of Liberality of Construction, plainly and undeniably proves, that the Tract of Country from *Cape-Canseau* to the Southern Bank of the River of *St. Laurence* was at that very Time thought by *France* herself to be Part of *Acadia*, which she in the same Commission extends as far Westward as the *Virgines*?

After this minute Examination of the Passage cited from the *Sieur Denys*, it can hardly be necessary to observe in ex-
press

press Words how far such Evidence directly confutes any ancient Limits the Crown of *France* has assigned to *Acadia*, and how expressly it establishes upon the Authority of the *Sieur Denys*, the present Claim of the Crown of *Great Britain* in its fullest Extent.

We shall next examine the Authorities which the *French Commissaries* have cited from *Champlain*, and being fully sensible that no conclusive Opinion can be properly formed upon any distinct Passages in this Writer (a Principle laid down by the *French Commissaries* themselves in respect to this Author) before we make a particular Answer to every short Hint or broken Citation which the *French Commissaries* have transcribed from this Work, we shall endeavour to shew upon a fair Consideration of his Book in general, what was the Opinion of this Writer as to the ancient Limits of *Acadia*.

In the 47th Page of his Book, speaking of the Manner in which the *Sieur de Monts* had executed his Commission in 1603, he observes, that as the *Sieur de Monts* would not settle on the River of *St. Laurence*, he ought to have chosen a proper Place for laying the Foundation of a Colony; which would not have afterwards been likely to be deserted, as those of *St. Croix* and *Port-Royal* were; and adds, that in that Case the People would not have abandoned their Settlements in that Country (the River *St. Laurence*) within three Years and an half, as they did those in *Acadia*, namely *St. Croix* and *Port-Royal*.

In the 48th Page he says, it will not be foreign to the Design of his Work, or unsatisfactory to the Reader, if he should describe the Discoveries he made upon the Coast of the Country during the three Years and a half he was in *Acadia*,

Champlain.

Or puisque le-
dit fleur de
Monts n'avoit
voulu aller
habiter au
fleuve St.
Laurent, il
devoit envoyer
reconnoître un
lieu propre
pour y inter
les fondemens
d'une colonie
qui ne fut su-
jet à être
délaisée com-
me celle de St.
Croix & Port
Royal—Et
bien que la
commission du
dit fleur de
Monts eut été
revoquée, l'on
n'eut pas
laissé d'habiter
le pais en trois
ans & demi,
comme l'on a-
voit fait en
l'Acadie,

“ tant

Acadia.


“ tant à l’habitation de Ste. Croix qu’à Port-Royal.” In which Passages *Champlain* expressly makes St. Croix and Port-Royal to be in *Acadia*.

The Title of the first Chapter of his second Book is, “ Description de la Hève, du port au Mouton, du port du Cap Negre, du Cap & Baye de Sable, de l’Isle aux Cormorans, du Cap Fourché, de l’Isle longue, de la Baye Ste. Marie, du Port de Ste. Marguerite, & de toutes les choses remarquables qui sont de long de la côte d’Acadie.”

The Title of his second Chapter is, “ Description du Port-Royal & des particularités d’icelui, de l’Isle haute, du port aux Mines & la Grande Baye-Françoise, de la rivière St. Jean, & ce que nous avons remarqué depuis le port aux Mines jusqu’à icelle de l’isle appelée par les Sauvages Manthame, de la rivière des Etchemins, & de plusieurs belles isles qui y sont, de l’isle de Sainte Croix & autres choses remarquables d’icelle côte.”

He entitles his third Chapter, “ De la côte, peuple, & rivière de Norembegue.” And in the same Chapter he says, “ La grande rivière St. Laurent cotoye la côte d’Acadie & de Norembegue (a).”

After his Description of the Coast as far as the River *Norembegue*, which he says is the River *Pentagoet*, he enters upon the Description of the Coast of the *Almouchiquois*, which the French Commissaries acknowledge to be Part of *New England*, which takes up the fourth, fifth, and sixth Chapters of his second Book.

From

AUTHORITY.

(a) *Champlain*, page 65.

From this Collection of the several Passages in his Works which are material on the present Question, it results, 1st. That the *Sieur Champlain* in the Conclusion of his first Book, makes the Coast of *Acadia* extend at far Westward as *St. Croix*, which Place, together with *Port-Royal*, he there declares to be in *Acadia*.

2dly, That the *Sieur Champlain* in his second Chapter of his second Book, which begins with the Description of *Port-Royal*, and ends at *St. Croix*, including his Account of the *Baye-Françoise*, the River *St. John's*, and the *païs des Etechemins*, considered himself as continuing his first Account of the Coast of *Acadia*, of which he had begun a Description in his former Chapter at *la Héve*, and pursued as far Westward as the Bay of *St. Mary's* (the next Place to the East of *Port-Royal*) and within which he expressly includes *St. Croix* in his first Book.

3dly, That the *French Commissaries* in asserting in the eighteenth Paragraph of their sixteenth Article, that the *Sieur Champlain* does not include either *Port-Royal* or *Bay-Françoise* in *Acadia*, have misrepresented the Sense of this Writer, who expressly says, that not only *Port-Royal* but *St. Croix* is in *Acadia*, and that in this as well as in their Manner of arguing upon the first and second Chapters of his second Book, as separate Accounts of Countries, he therefore thought distinct, because he puts them into different Chapters, they have been led into a Mistake of the whole Work and Opinion of this Writer, by not observing the very Rule at first laid down to themselves, that is, by taking particular insufficient Sentences separate from the whole, and grounding an Opinion upon them without looking forward to the several other Parts of the
Work

Acadia.

Work which treat of the same Matter.—From hence arises the Error of making Chapters which are professedly Parts of the same Narration of the State of one Country, separate Accounts of different Countries; and from hence the general Misconstruction the *French* Commissioners have made of the Notion which the *Sieur Champlain* had of the Limits of *Acadia*.

To make our Answer to the Use the *French* Commissioners have made of the *Sieur Champlain* complete, according to their Idea, and express to each of their Objections, we will apply this State of his Opinion we have just made from a full Consideration of his Works to the particular Citations the *French* Commissioners have made from it, to which we have not as yet separately given any Answer.

These Citations are contained in the 11, 13, 15, 16 and 17th Paragraphs of the 16th Article of their Memorial.

In the 11th they say, “ Il parle dans un autre endroit des “ côtes de la Nouvelle France, ou sont, dit il, l’*Acadie*, *Etchemins*, “ *Almouchiquois*, & la grande rivière Saint Laurent.”

We have already proved that *Nouvelle France* has been ever used as a general Term, for all the Territories of *New France*, and this Passage is an additional Proof of it; for the *French* Commissioners have never denied that there is such a Country as *Acadia*, at the same time that they argue *New France* to be a distinct Country itself; and *Champlain* in this very Passage makes *Acadia* a Part of *New France*. We have also shewn, that *Champlain* expressly says, that *Acadia* included *Port-Royal*, and extended to St. Croix Westward, within which the *Pais des Etchemins* lies; and therefore there is not a Place in the Recital of this Paragraph which is not actually described by the *Sieur Champlain* as a Part of *Acadia*, except the Coast of the

Al-

Almouchiquois, which is acknowledged by the *French* Commissaries to be a Part of *New England*.

As to the Assertion in the 23th Paragraph, “*Que dans tout l’ouvrage de Champlain où il est question de ces differens Païs, celui des Etchemins n’est pas moins different de l’Acadie, que celui des Almouchiquois ou Nouvelle Angleterre.*” We cannot but express a little Surprise to find the *French* Commissaries making so positive a Declaration capable of so little Support ! Can they deny that the Country call’d the *Païs des Etchemins* lies between the Bay of *Fundy* and the River *St. Croix* ?

They have expressly said in the first Paragraph of their 17th Article, that the *Sieur de Monts* made a Settlement in the *Island of St. Croix upon the Coast of the Etchemins*, and *Champlain* himself marked that District out as a Part of *Acadia* itself ; and why therefore do the *French* Commissaries say, that *Champlain* has declared that the *Païs des Etchemins* is as distinct from *Acadia* as *New England* itself ?]

In the 15th Paragraph, the *French* Commissaries endeavour to set up a marginal Note, probably inserted by an Editor, to give the Construction they desire to the Body of the Work ; but it is observable, that if that marginal Note was admitted to direct the Construction of the Text, it would prove *Acadia* to be a Part of *New France* ; and this Passage, thus helped by a spurious marginal Note, will hardly be thought a sufficient Authority to prove *Champlain* did not think *Port-Royal in Acadia*, which he has so expressly declared in a Passage just cited from him to be a Part of it ; and in Parts of his Work, “*où il est question des limites de ce Païs,*” and where we know that it is *Champlain*, and not his Editor, that speaks.

Acadia.

The 16th Paragraph goes upon a like marginal Note, probably from the same Hand, and tends to prove nothing more, if the Passage, as explained by the Note, was admitted, than that *Acadia* was a Part of *New France*, which the *English* Commissioners admit to be as true as that the Provinces of *Connecticut* and *New Hampshire* are Provinces of *New England*, which is not therefore a Country in itself distinct from either of those Provinces.

Upon the whole therefore, all that can be collected from the Writings of *Champlain*, considered as the *French* Commissioners say he ought to be, and as we have considered him, is in a few Words this, that in that Part of his Work, where he speaks of the Limits of *Acadia* most expressly, and where we are sure we have his Sentiments only, he says in direct Words, that *Port-Royal* and *St. Croix* are in *Acadia*, and that the *River St. Laurence* washes the Northern Coast of *Acadia*; and that therefore he is an Authority in Point for the Claim of the King of *Great-Britain*, as to the Northern Limits of *Acadia*, and as to its Western Limit as far as *St. Croix*, and a direct Confutation, as to the Northern and Western Limits of *Acadia*, both of the *French* Commissioners, who would make *Acadia* consist of the South-east Part of the Peninsula, and of the *Sieur Durand*, who confines it to the Peninsula only.

Escarbot.

The Seventeenth Article of the *French* Memorial is entitled, "Preuves sur les limites de l'Acadie tirées de l'histoire de Nouvelle France par l'Escarbot."

The *English* Commissioners cannot but express a little Degree of Surprize, to find an Author cited with so much Deference in Proof of the ancient Limits of *Acadia*, who in his whole Work never once makes mention of any Country under the Name of *Acadia*.

Acadia. Let us enquire upon what Principles or Notions the *French* Commissaries proceed for discovering the Opinion of this Author, concerning the Limits of a Country which he does not once name.

Acadia.

In the 1st, 2d, 3d, 4th, 5th, 6th, 12th, 14th, 15th, and 16th Paragraphs, they cite Passages out of this Writer, in which the several Parts of that Tract of Country, now claimed by *Great-Britain* as *Acadia*, are said by *Escarbot* to be Parts of *New France* or *Canada*, (which they make synonymous Terms) and in the *Pais des Etchemins*, without being expressly said to be in *Acadia*; from which Passage they infer, that these Countries were not then thought to be Parts of *Acadia*. In this they have again had recourse to that Principle which we have before confuted, and argued upon the Supposition, that *New France* was a distinct Province, and not a general Name for the whole *French* Territories in *America*; but we have shewn, upon the Evidence of the most authentick Acts of the *French* Government in Times when the State and Division of their *American* Colonies was well known, and the Interest of them attentively watched, that *New France* has never been esteemed by the People and the Crown of *France* as the general Name of the *French* North *American* Colonies; and therefore the *French* Commissaries, not being able to produce any Commission of Government over *New France* as a distinct Government, do little more by these Citations, than barely shew that *Escarbot* has in his History contented himself with describing the Places he visited in *New France*, that is, in the Part of *America* possessed at that Time by *France*, without saying in what particular Parts or Provinces of that Country each were particularly situated.

Acadia.

The *English* Commissaries admit that *Port-Royal* and the *Pâis des Etchenins* were properly said by *Escarbot* to be in *New France*, because they admit *Acadia* itself to have been always a Part of *New France*; but they must add, that the *French* Commissaries ought to have proved, upon circumstantial and solid Evidence, at what Time any particular Province has been erected by *France* under the Name of *New France*, and with what Limits, before they inferred that no Place could have been in *New France* and *Acadia* at the same Time. Evidence in Support of this System, we cannot but think it would be difficult to find, not only as it would have been greatly to the Purpose of the *French* Commissaries to have produced it, but additionally as we have never met with any Historian of *America*, nor been referred to any in the Course of this Negotiation, who does not use the Word *New France* as comprehensive of all the *French* Possessions in *North America*, who gives the least Account of the Rise, the Progress, or the Government of any such Province as *New France*, distinct from *Canada* or *Acadia*, whilst that was in the Possession of *France*, who does not also assign separate Bounds to the Province of *Canada*, making it distinct from *Acadia*, whilst that was a Province of *France*, and at the same time give the Name of *New France* equally and generally to both *Acadia* and *Canada*.

As to the Argument in the eighth Paragraph, to prove that *Part-Royal* was not then situated in *Acadia*, founded singly upon the Title of a Plan published with *Escarbot's* Book, the *French* Commissaries would not have laid so great a Stress upon that Circumstance, if they had either considered the Nature of such Evidence; or if, admitting the Evidence to be better than it is,
they

they had looked beyond the Title of this Plan ; for though the Title of this Plan is “ *Figure du Port-Royal en la Nouvelle France*,” there is no such Place as *Port-Royal* mentioned in the Plan itself.

The Town at first so called is marked with the Name of *Poitrin-court* ; and therefore if this Plan is thought by the French Commissaries to prove that *Port-Royal* was not then esteemed to be in *Acadia*, because in the Title of the Plan it is said to be in *New France*, it must upon the same Reasoning be as clear from the Plan itself, that *Port-Royal* not being mentioned in it, there was no such Place as *Port-Royal* at all.

The 9th, 10th, 11th, and 13th Paragraphs of the same Article, all contain Instances to prove that *Port-Royal* was situated in *New France*, which Instances are founded upon marginal Notes, of which we should not think it necessary to take any Notice here, after having answered the same Argument better founded upon other Parts of this Writer, if we did not think it improper to suffer this second Attempt to argue upon the marginal Notes of any Book, as certainly Part of the Author's own Works, without entering our Protest against such Evidence as very insufficient and unsatisfactory.

We cannot conclude this Head without observing the Inaccuracy with which his Most Christian Majesty's Commissaries have cited *Escarbot* in the 3d and 4th Paragraphs of this Article. In the third, in order to prove that the Isle of *St. Croix* was anciently deemed to be in *Canada* or *New France*, they observe that it was *currently said that the Sieur de Monts*, when he was making his Settlements in the Island of *St. Croix*, “ *qu'il arrachoit des epines en Canada*.” Had this Passage been in *Escarbot*, as it is represented in the French Memorial, but little could

Acadia.

could have been inferred from it, the Notions of the common People being but a very slight Proof of the Limits of any Country; but it appears from *Escarbot* himself, that this very Saying was nothing more than a *Prognostication*, which, (a) as he says, appeared in a Pamphlet filled with all Sorts of News, which was published in the next Winter after the *Sieur de Monts's* first Voyage, under the Name of *Maitre Guillaume*; the Writer of which probably had never heard of the Country of *Cadia*, as it was then very lately called; nor could he possibly have ever heard of the Isle of *St. Croix*, when he published his Book; because the Account of *de Monts's* Arrival there, and his having given that Island the Name of the *Isle de Ste. Croix*, could not at that Time be known in *France*. If the *French* Commissaries will read this Paragraph in *Escarbot* a second Time, and consider it in this Light, we are confident they will understand this Passage in the Sense we have put upon it.

In the fourth Paragraph they represent *Escarbot* and the *Sieur Denys* as assigning the same Limits to the *pais des Etchemins*; whereas it will appear, upon comparing the Passages of *Escarbot*, in which he describes the Extent of that Coast, with the Description of it in the *Sieur Denys*, that these two Writers entirely differ: *Escarbot* extends that Coast from the River *St. John's* to the River *Kennebeck*, and *Denys* from *Port-Royal* to *Boston*; and therefore these two Writers are so far from giving a mutual Support to each other's Opinion by their Agreement, as the *French* Commissaries say they do, that they expressly set aside each other's Authority by their Contradiction.

The

AUTHORITY.

(a) *Escarbot*, Book 4. page 461.

The Argument urged by the *French* Commissaries in this Chapter, to prove that *Gaspesia* is Part of *Canada*, is entirely inconsistent and irreconcilable with that Principle which they have laid down in the Beginning of their Memorial, where they say, that distinct Names are always Proofs of separate Territories; for if *Gaspesia*, though it bears a separate Name, can yet be a Part of *Canada*, with what Authority can the *French* Commissaries argue in another Part of their Memorial, from the very Name of this Country, that it cannot be a Part of *Acadia*.

We shall finish our Consideration of this Article of the *French* Memorial with our Answer to the Observation contained in the 12th Paragraph of this Article, in which the *French* Commissaries say, that *Escarbot* had made his chief Residence at *Port-Royal*, where he landed in 1606; that he had been one of the principal Instruments in making the *French* Settlements there, of which he has spoken above two hundred times in his History; and yet he constantly makes the Situation of it to be either in *New France*, or in *Canada*, or in the *Bay-Françoise*, and not in *Acadia*. If this Argument proved any thing, it would as well prove, that there was no such Country as *Acadia* in *America*, as that *Port-Royal* was not in *Acadia* at the Time when *Escarbot* wrote; for he has no more mentioned in his Map such a Country as *Acadia* to be in *America*, than he has in his Book named *Port-Royal* as a Part of *Acadia*. This, and almost every Proof of this Sort brought by the *French* Commissaries, sometimes from the Silence of these early Writers of Voyages, and sometimes from the Indistinctness and general Manner of their Relations, is founded upon a Notion and the Expectation of greater Exactness in them than such Writers usually have, or can ever think

Acadia.

think necessary ; their View at the Time of Writing being no more than to relate the Events and Transactions of their Voyages, and at most to give a Relation of the Soil, Climate, and Produce of the Country, without the least Intention of furnishing out precise Evidence of the real or received Limits of the Countries visited by them. From hence it is that we find *Champlain* speaking of *Acadia* in one Page as a distinct Territory, *without the mentioning New France* ; in another, making *Port-Royal* a Town in *New France*, *without mentioning Acadia* ; and in a third, calling *Acadia* itself a Part of *New France* : and from hence arises the same indifferent Manner of Expressions in all the other *French* Writers, and in the *French* Commissions of Government of the same Age.

*State of
Proofs re-
sulting from
Historians.*

We have now examined all the *French* Historians cited by his Most Christian Majesty's Commissaries to establish their System of the ancient Limits of *Acadia* ; and we think ourselves authorised to say, from this View of their several Works, That the *Sieur Denys's* Commission in 1654, and that Clause in particular which grants him the sedentary Fishery on the Coast of *Acadia*, marks out the Southern Bank of the River *St. Laurence* as the Northern Boundary of *Acadia*, and makes it extend as far to the West as *New England* : That *M. Champlain* agrees with the *Sieur Denys* in the Northern Limit of *Acadia*, and makes *Sainte Croix* within the Western Limit of it : That *Escarbot* never assigns any Limits to *Acadia*, or even mentions the Country ; and that therefore, one of the only two Historians, from whom any Evidence at all can be collected, is a very full Evidence in Support of the whole Claim of *Great-Britain* ; and the other, by assigning the Southern Bank of the River *St. Laurence* as the Northern, is Authority also for the Western Boundary we assign as far as *Ste. Croix* ; and both confute the Assertion of the

French

French Commissaries, that these Writers confined the Bounds of *Acadia* to the Peninsula.

Acadia.

The next Proof urged by the *French* Commissaries, in Support of their Idea of the ancient Limits, is founded upon this Circumstance, that several Parts of the Country, which his Majesty claims as *Acadia*, have always passed under distinct Names; which Fact they introduce with several general Principles, which it will be necessary to consider before we examine into the Truth of the Fact itself; more especially as their Principles are contrived to prepare the greater Credit to their Instances: and it is the Intention of the Commissaries of his Majesty to shew that neither the Principles nor the Facts are conclusive.

*Different
Names of
Parts of the
Country.*

The *French* Commissaries, in their Introduction of this Head, lay down these Maxims as Principles not to be controverted:

First, That the ancient *Acadia* can only be that Part of *America* which has ever been exclusively called by that Name.

Secondly, That if any Country has always borne the Name of *Acadia*, it must be different from such Districts as have passed, and do still pass, under other Denominations; and they add, that it is upon this clear and plain Principle they mean to determine upon the Extent of *Acadia*.

The View of the *French* Commissaries, in laying down these two Principles, is to avail themselves of some accidental Circumstances attending the ancient Situation of *Acadia*, which are easily accounted for; and by an Argument founded on the Manner in which some Parts of that Country have retained immemorially their ancient Names, from Causes easily to be traced out, they endeavour to reduce the Limits of *Acadia* to their own

Acadia.

Idea ; but this Manner of determining upon the Extent of *Acadia* shall be shewn to be insufficient ; for if it should be admitted that *Acadia* can be only such Territory as has ever had that Name exclusively, and that any *Country* which has ever passed under a different Name must for that Reason have been always distinct from *Acadia*, what results from these Maxims when they are admitted ? Will it result from them, that no particular and lesser Parts of *Acadia* can have had particular Names, or that such particular Parts cannot be within the general Territory, because they preserve their original particular Names, and because the Country, never have been much peopled, the unsettled Parts of it have not acquired modern Names, which in such Cases are occasionally given as the Inhabitants increase and spread themselves ? Will it follow from these Maxims, that because large Territories in their *general Extent* may be distinguished from others by different Denominations, therefore *Parts of a Country* may not have different Names, *from the general Country* ? The *English Commissioners* are ready to admit that Country to be *Acadia* which has ever passed by Treaties between the two Nations as *Acadia* ; and this is the only Way of Reasoning, from the exclusive Name of a Country, for the Decision of its Limits ; but they can never agree to construe *Acadia* to be only so much of that Territory which does not include any District called by another Name. They are ready also to allow, that no Country can be made Part of *Acadia* which bears a different Name, unless it appears by other Circumstances to have been considered as Part of that Country, and then the Difference of Denomination is only an Accident, which has its Explanation, and its Example, in every Country upon the Globe. Having thus shewn how far the Principles of the *French Commissioners* are just, and what is the
only

only proper Application of them, we proceed to consider the Proofs, which, as they divide them, are of two Sorts; the first are positively to establish what *Acadia* is; the second to prove that we claim Countries as Parts of it, which are not within the Limits of it.

The *French* Commissaries, to confine the Bounds of *Acadia* to the Country between the *Bay-Françoise* and *Canseau*, alledge that this District was never called under any other Name than *Acadia*; which Circumstance we will shew is not true, if it was material, for this whole Coast has ever been called by the *English* Government *Nova Scotia*, and not *Acadia*, ever since the Year 1621, when King *James* by Letters Patent erected this Province of *Nova Scotia*; nor was this Country called *Nova Scotia* by the *English* only, but it appears by a Passage before cited out of *Laet's* History, that the Peninsula of *Acadia* was called *Nova Scotia* in a Map soon after published by *Laet*, who in the Map which he has published in his History under the Title of *Nova Scotia antiqua*, &c. has marked this very Tract from *Cape-Sable* to *Cape-Canseau* under the name of *Nova Scotia*; and in his Map intitled *Americæ sive Indiæ occidentalis tabula generalis*, not only the whole Peninsula, but the Continent adjoining to it, as far to the North as the Southern Bank of the River *St. Laurence*, and as far Westward as to *New England*, is called *Nova Scotia*. The same Coast is constantly called *Nova Scotia* in the *English* Maps from the Year 1625 to 1700, published by *Berry*, *Morden*, *Thornton* and *Halley*, Hydrographers to King *Charles* II. and King *William* III.

This Name of *Nova Scotia* used by the *English*, and adopted in the foreign Maps, was known to the Court of *France* very early; for, besides the Improbability of supposing *France*

Acadia.

not to have heard of King *James's* Letters Patent in 1621, or of a Name become general in the Maps of that Country, (Evidences which would be very strong if the Point were conjectural,) the *Sieur Champlain*, in a Memorial presented in *England* in 1631, when he was soliciting the Restitution of *Acadia*, expressly says (a) that the *English* had “ depuis deux ou trois ans “ imposé des noms à la dite Nouvelle France, comme la Nouvelle Angleterre & Nouvelle *Ecosse*.”

This Characteristick therefore of the Sea-coast from *Cape-Sable* to *Canseau*, upon which the *French* Commissioners admit this District to be *Acadia*, and upon the Want of which in other Parts of what we call *Acadia*, they confine the Limits of it to the Country from the Bay of *Fundy* to *Canseau*, comes out upon Enquiry not to be true, even of this Sea-coast, which has at different Times borne different Names, and is no more capable of being ascertained and established upon this particular Test laid down by the *French* Commissioners, than any of the other Parts of *Acadia* which they reject.

The Truth is, the *French* Commissioners have been led into a System calculated with great Art for one Purpose, without considering how it may affect them in other Lights; and from hence arise the several Contradictions occurring in their Memorial; from hence their present Inability to reject what they would reject, as not *Acadia*, and defend what they would maintain, as *Acadia*, upon the same System.

To prove that no Parts of the Country claimed as *Acadia* in our Memorial of the 21st of *September* 1750, except such as have

AUTHORITY.

(a) Champlain, Part 2. page 268.

have been admitted by the *French* Commissioners, are within that Country, the *French* Commissioners lay it down as a certain Fact, that the Terms of *New France* and *Canada* are *almost* synonymous, which they add is not true of *Acadia*; and that when any Place is not said to be in *Acadia*, it is to be understood to be in *New France* or *Canada*; and when it is said to be in *New France* or *Canada*, it is to be understood not to be in *Acadia*; in Proof of which they cite a Map of *de Lisle's*, intitled *Canada ou Nouvelle France*, and observe that *Acadia* is not made synonymous with *New France*, but always made a distinct Country, and not included within it.

They also cite the Commissions given by Count *de Soissons* in 1612 (a), and the Duke of *Ventadour* in 1625 (b), to the *Sieur Champlain*, (who they observe was the Founder of *Quebec*, and the King's first Governor there,) in both which they say he is stiled *Commandant en la Nouvelle France*, and that his Government was limited to a Part only of *Canada*, and extended not to *Acadia*.

In Answer to this we observe, that as to *de Lisle's* Map, *Acadia* is there marked to extend on both Sides the *Bay-Françoise*, upon the Coast of *Norembegue* or *Etcchemins*, as far as the River *Pentagoet*, which the *French* Commissioners insist upon being Part of *New France*, and that therefore this Chart proves that the Coast of *Norembegue*, or the *Etcchemins*, is Part of *Acadia*, and destroys their Distinction between that and *New France*, upon the very Position of the *French* Commissioners, who make

New

AUTHORITIES.

- (a) Champlain, Part 1. page 231.
- (b) Idem, Part 2. page 81.

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New France and *Canada* synonymous Terms, and *Acadia* not a Part of *New France*: We say *synonymous Terms*, because it is not easy to say what Terms are *almost* synonymous; and we cannot form any Idea of that Medium, which the *French* Commissaries have supposed, between being quite synonymous and quite distinct.

As to the Limits of the *Sieur Champlain's* Government in his Commissions from the Count *de Soissons* and Duke *de Ventadour*, the least Inspection into those Commissions will shew they extended as far as the Commands of the Vice-Roys themselves, which comprized all the Territories of *New France*; and that the Words in the last of these Commissions of *Champlain*, upon which the *French* Commissaries seem to found their Pretence that it did not extend to *Acadia*, only forbid him to seize the Effects of those whom he should find trading with the Savages to the Southward of *Gaspesia*.

We have under a former Head made a cursory Mention of the Grants made by the Company of *New France* in 1632, to the *Sieur Razilly*, who was then Governor of *Acadia*; and in 1635, to the *Sieur la Tour*; but in this Place it will be requisite to be more explicit in our Application of those Facts, as they serve most effectually to evince how little Foundation the *French* Commissaries have for saying that *Acadia* was never included within the general Term of *New France*. In the Grant of 1632, the *Sieur Razilly* is stiled "Lieutenant général pour le Roy en Nouvelle France," *without any Mention of Acadia*; in the latter, *la Tour* is stiled, "Lieutenant général pour le Roy es côtes d l'Acadie en la Nouvelle France."

The

The Reason assigned in both Grants by the Company for giving to the former the River and Bay of *Ste. Croix*, and to the latter, Lands upon *St. John's River*, is the Desire they had of making the Colony of *New France* grow, and to gratify those who had assisted them in that Undertaking ; and are not both of these Grants, and the Reasons given in each as the Motive of granting them, undeniable Proofs, 1st, That *Acadia* was then thought to be in *New France* ; 2dly, That *Acadia* and *New France* were as much synonymous Words as *Canada* and *New France* ; and lastly, That *St. John's River* and *Ste. Croix* were then held to be in *Acadia* ?

To these Authorities, to shew how inconclusive the Argument is, that whenever a Place is mentioned as being in *New France*, it cannot be in *Acadia*, and that *Acadia* is not a Part of *New France* ; we will add a Passage or two from *Champlain*, which we have already cited for another Purpose. In the 47th and 48th Pages of his first Book, he says expressly, that *Ste. Croix* and *Port-Royal* are in *Acadia* ; and yet in his third Book, Page 98th and 99th, cited by the *French* Commissaries, he speaks of *Port-Royal* as being in *New France*, *without adding that it is in Acadia*, which proves, that he thought *Acadia* was a Part of *New France*.

Other Authorities might be cited from *Laet*, the *Sieur d'Aulnay Charnisay's* Commissions, and *Escarbot*, to establish this Point, were it needful.

Let us next examine those Parts of this Article in the *French* Memorial, in which the *French* Commissaries endeavour to prove, that several Parts of the Country *Great-Britain* claims as *Acadia*, have always been distinct from it, from their having borne distinct Names. We have already shewn how very superficial and groundless the Principle is as a general Principle,

upon

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upon which this Objection goes ; and we will not enquire into the particular Facts on which it is founded in the present Case. The Countries cited by the *French* Commissaries as being called by different Names from *Acadia*, and which they therefore argue are not Parts of it, are *Norembegue* or the *Etcchemins*, the *Bay-Françoise*, the *Grand Bay* of *St. Laurence*, and *Gaspesia*. It happens a little unfortunately for the Argument of the *French* Commissaries, that some of the Countries cited by them as Proofs of their original Position, can be shewn to have derived the Names here given them from fabulous Circumstances, and that those *French* Historians who have before been shewn to extend *Acadia* as far Westward as *New England*, all knew of these distinct Names given to some particular Districts of that Country, at the time they included them within *Acadia*.

It appears from *Laet's Nova Francia*, Chap. 18. Page 55. that the River which the *French* Commissaries call *Norembegue*, and which, as they relate, gave its Name to the whole Coast and Country from the River of *St. John's* to *Kennebeck*, which Country they alledge was inhabited by *Indians* called *Etcchemins*, after whom it is sometimes called the Coast of the *Etcchemins*, had two other Names, viz. that of *Pentagoet*, by which the *French* called it ; and *Penobscot*, which was given it by the *English*. These Names it has preserved to this Day, and *Laet* shews the Names of *Norembegue* and *Etcchemins* to have been merely fabulous, in his Account of the Rise and Occasion of them, for the 18th Chapter of his Book is intitled, “ De flumine Pentagoet quod multi Norembeguam opinantur veterum errores notati.” In which he says, “ qui superioribus annis de hisce regionibus scripserunt multa fabulati sunt de celebri oppido & flumine Norembegua, barbaris Agguncia, quæ hodie longè secus
“ depre-

“deprehenduntur, neque verisimile est hic unquam tale quid fuisse.
 “Interea si altitudinis quam designant & aliarum circumstan-
 “tiarum ratio inibatur, haud dubium est illos de hoc flumine lo-
 “cutos, quod Barbaris, ut Gallis quidem placet, Pentagoet di-
 “citur, ut Anglis autem Penobscot.”

If the *French* Commissaries will consult the 7th Chapter of his fourth Book, page 485, intituled, “Découverte de nouvelles
 “terres par le Sieur de Monts, contes fabuleux de la riviere &
 “ville feinte de Norembegue, refutation des auteurs qui en
 “ont écrit,” they will find that *Escarbot* also looked upon the Name of *Norembegue* as fabulous; and the Sieur *Denys* speaking of the same River, in his first Book, page the 1st, calls it, “la riviere de Pentagoet, ainsi nommée par les sauvages,” without mentioning the Name of *Norembegue*.

It may not be improper to observe that *Champlain*, Part the first, page 64, speaking of the Tribe of *Indians* whom he found at his Arrival at *Pentagoet*, and whom he calls the *Etchemins*, expressly says, “Ils n’y viennent non plus
 “qu’aux isles que quelques mois en Eté, durant la pêche
 “du poisson, & la chasse du gibier, qui est en quantité;
 “ce sont gens qui n’ont point de retraite artétée, à ce
 “que j’ai reconnu & appris d’eux, car ils hyvernent tantôt
 “en un lieu & tantôt à un autre, où ils voyent que la chasse
 “des bêtes est meilleure:” and therefore admitting that there is such a Country as the *païs des Etchemins*, and that it took its Name from an *Indian* Tribe, when, and by what Rule, will you ascertain the Bounds of a Country represented to have been the Habitation of a People who had no settled Habitation? The Coast of the *Etchemins* appears to be as uncertain and fabulous a Name as the Coast of *Norembegue*, and

Reply of the English Commissioners.

indeed those who have pretended to describe the Extent of the Coast of either, have sufficiently proved the Uncertainty and Fabulousness of both, by the Difference of their Descriptions. For Example, the *Sieur Denys* says the *Etchemins* inhabited the Country from *Boston* to *Port-Royal (a)*, which includes the *St. John's* Indians, and even the *Souriquois*. *Escarbot* places the *Etchemins* between *St. John's* River and *Kennebeck*; and such of the *French* Geographers who have marked this Coast at all on their Charts, give the *Etchemins* a much less Extent. *Smith*, who published an Account of these Parts before *Laet*, calls the *Etchemins* Indians by other Names. *D'Anville* in his Chart of *North America*, published in 1746, does not appear to have thought there was any such a Coast as the Coast of *Norembegue*, or any such Country as the *Pais des Etchemins*, for he marks neither: The *English*, absolute Strangers to the Name of *Norembegue* or *Etchemins*, have ever called the River and the Country as *Laet* remarks, by the Name of *Penobscot*, which was given it from the most considerable Tribe of *Indians* in those Parts; who remain there to this Day with the same Name, as do some few of the *Sagadahock*, *Kennebeck* and *Narragce* Indians, whom *Purchas* mentions in his *Pilgrim* (as has been before observed) to have inhabited this Country when the *English* began their Settlements there in 1602, and then called it *Marwoosken*.

But whatever may have been the Names occasionally or fabulously imposed upon particular Parts of the Country, from the Bay

or

AUTHORITY.

(a) *Denys*, page 29 and 30.

of *Fundy* to *Pentagoet*, it is clear from the *Sieur Denys's* Commission in 1654, that all that Part of the Coast which the *Sieur Deny* calls the *Païs des Etchemins*, which extends from *Port-Royal* to *Pentagoet* inclusive, and that which is marked in the Letter of *Lewis XIII.* in 1638, to the *Sieur D'Aulnay Charnisay*, as the Coast of the *Etchemins*, namely, from the Middle of the Head of the Bay to the *Virgines*, are in express Words declared to be Parts of *Acadia* in that Commission of the *Sieur Denys*, and appear from that Letter of *Lewis XIII.* to have been then considered by *France* as such in 1638.

We would further remark, that the *Sieur Champlain*, who made the first Voyage to this Country with the *Sieur de Monts* in 1604, many Years before the Date of this Commission and Letter, and who, as it appears from his Book, was employed by him to discover the Coast, expressly says, that *Port-Royal*, the *River of the Etchemins*, and *St. Croix*, which two last Places he likewise makes to be Part of the Coast of the *Etchemins*, were situated *within Acadia*; from whence it necessarily results, that the Territory called the *Norembegues* or the *Etchemins*, which the *French* say are synonymous Terms, was then deemed by this Writer to be part of *Acadia*, and not a different Country from it.

As to the *Bay-Françoise*, which the *French* Commissaries pretend to be the distinct Name of one of the Countries which his Majesty's Commissaries claim as Part of *Acadia*, this Distinction is, if possible, more chimerical than that of the Coast or Country of *Norembegue* or the *Etchemins*.

Nothing more was ever understood by the *Bay-Françoise*,

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even among the *French* themselves, than that Body of Waters which compose the Bay of *Fundy* (the only Name under which it was ever known among the *English*) and which the *French* upon the first Discovery of it called the *Bay-Françoise*.

This is clear from the following Passage of the *Sieur Denys* in his second Chapter, page 47, 48, in which he describes the *Bay-Françoise* thus: “ Depuis l’entrée de la riviere St. Jean “ jusqu’à celle du Port-Royal, il y a douze lieües de trajet qui “ forme ce que nous appellons la baye Françoisse, & qui s’en- “ fonce dix où douze lieües avant dans les terres.”

The *Sieur Champlain*, in the 5th Page of his Book, places the *Bay-Françoise* in *Acadia*, and in this he is followed by the Charts of *De Lisle*, and those of *D’Anville* and *Bellin*, all cited in the *English Memorial*, in the three first of which the Country on both Sides of the Bay, extending as far Westward as *Pentagoet*, is marked to be Part of *Acadia* under the Name of *Acadia*; and in the last, it is described as Part of it under the Name of *Nouvelle Ecosse*.

In the Letter of *Lewis XIII.* dated the 10th of *February* 1638 (a), the Lands lying on one Side of the *Bay-Françoise* (in the Division there made of *Acadia* into two Governments given to the *Sieur Charnisay* and the *Sieur de la Tour*, who had before been appointed Governor of all *Acadia*) are assigned to the *Sieur Charnisay* as far as the *Virgines*; and the Lands lying on the other Side of the *Bay-Françoise* are assigned to the *Sieur de la Tour*, as far as the Streights of *Canseau*; which Distribution
and

AUTHORITY.

(a) Lettre du Roy Louis XIII. au *Sieur Charnizay* du 10 Fevrier 1638. Communicated by the *French Commissioners*.

and Division of this Country plainly destroys the Notion, that the Lands around the *Bay-Françoise* formed a particular Country in themselves separate from *Acadia*.

The Assertion that the *Grande Baye de St. Laurent* forms another Country, appears to be founded upon the single Circumstance of the Company of *New France* having formed a Government about the Year 1650, out of that Part of the Peninsula, which extends along the Gulph of *St. Laurence*, and the Islands of *Newfoundland*, *Cape-Breton*, and *St. John's*, under the Name of the *Grande Baye St. Laurent*, which is no more a Reason for calling the Coast from *Cape-Canseau* to *Cape-Roziers* the Country of the *Grande Baye St. Laurent*, than it is for calling the three Islands so, which was never yet pretended.

As to *Gaspésie*, we have shewn upon the Authority of several Historians, and many Instruments of Government on the Part of *France* herself, that *Acadia* has always extended according to the Opinion and Declaration of *France* herself, as far Northward as to the Southern Bank of the River *St. Laurence*; and therefore we have shewn this Country to have always been within the Limits of *Acadia*: At present we shall only take a little farther Notice of an Inconsistency we have before observed in the System and Reasoning of the *French* Commissaries, who at one Time argue, that *Gaspésie* is a Part of *Canada*, though the Name is distinct, and at another, that *Gaspésie* cannot be a Part of *Acadia*, merely because it is called *Gaspésie*.

His Most Christian Majesty's Commissaries in the 14, 15, and 16th Paragraphs of the same Article observe, "Qu'on ne se rappelle pas que dans les titres, les histoires & les relations que l'on a eu occasion de lire, on trouve une seule fois qu'en parlant du fort du Cap de Sable & du Port de la Heve il soit
"dit

Acadia.

“ dit qu'ils sont en la Nouvelle France ; où bien l'on ne designe
 “ point leur situation ; où, ce qui est assés ordinaire & assés singulier, il est dit que c'est en Acadie. Ce qui fait regarder
 “ cette circonstance comme une singularité, c'est qu'en parlant
 “ des autres lieux situés dans la Nouvelle France, il n'est pas
 “ à beaucoup près aussi commun d'ajouter à leur nom celui de
 “ leur situation, comme il l'est pour les lieux situés en Acadie.
 “ Si donc, en parlant des lieux situés depuis l'extrémité de la
 “ Baye-Françoise jusqu'à Canseau, on n'a jamais dit qu'ils sont
 “ situés dans la Nouvelle France ; si presque toujours on a ajouté
 “ qu'ils sont situés en Acadie, il en résulte, que lorsque l'on re-
 “ marque qu'un lieu est situé dans la Nouvelle France, dès lors
 “ c'est une preuve, presque certaine, qu'il n'est pas situé en
 “ Acadie.”

But if the *French* Commissaries will consult the Letter of *Lewis XIII.* to the *Sieur d'Aulnay Charnisay*, dated the 10th of *February* 1638, they will find the Fort of *La Heve* to be expressly said in the Title of it, to be situated in *New France*, without mentioning that it is in *Acadia*.

The *Sieur Denys* in his Description, Chapter the first, page 26, places *La Heve* in *New France*, without mentioning that it is in *Acadia*. In his Commission of 1654, *Cape-Canseau* is said to be in *New France*, without any Mention of *Acadia*. In the *Sieur Charnisay's* Commission of 1647 (a), and *Denys's* Commission of 1654, the Government of *Acadia* is given to each, as of a distinct Country, and yet *Acadia* is said to be in *New France*;
 and

AUTHORITY.

(a) Copy of this Commission dated in *February* 1647 ; already communicated to the *French* Commissaries.

and we have just cited several Passages from *Champlain's Voyages*, where *Port-Royal* is mentioned to be in *New France*, without adding that it is in *Acadia*; all which prove that the Facts here alledged are not well founded; and as to the Inference drawn from these Facts, that has been before fully considered and confuted.

The Allegation of the *French* Commissaries in the 11th, 22d, and 28th Paragraphs of their 18th Article, are founded on a Mistake easily corrected.

In the first of these Paragraphs they say, that they find several Grants describing all the Coast which they call the Coast of the *Etcchemins* and the *Bay-Françoise*, by the Name of *New France* only, and proving that they were holden of *Quebec*, which they observe demonstrates them to have been Parts of *Canada*, and not of *Acadia*.

It is not surprizing that the Facts being once stated inaccurately, wrong Conclusions should be afterwards drawn from them.

The two first Instances which they cite of this, are in their 12th and 13th Paragraphs of the Grant of the River and Bay of *St. Croix* to the *Sieur Razilly* in 1632 (*a*), then Governor of *Acadia*, by the Company of *New France*; and of the other Grant made by them of Lands upon the River *St. John's* in 1635 (*b*), to the *Sieur de la Tour*, which they observe were both made upon the Condition of *paying Fealty and Homage at Quebec*, and holding their Grants as of that Place; whereas in the former of these

AUTHORITIES.

(*a*) Concession fait à M. de Razilly. Communicated by the *French* Commissaris.

(*b*) Concession de la Compagnie de la Nouvelle France au sieur de la Tour. Do.

Acadia.

these Grants, the Fealty and Homage are ordered to be made "au Fort St. Louis, à Quebec, ou autre lieu qui sera ci-après de-
"igné par la dite Compagnie," without any mention made of its being holden of *Quebec* at all; and the Words of the latter are, "tenir en tout le fief mouvant & relévant de *Quebec*, ou
"autre lieu qui sera ci-après désigné par la dite Compagnie.

It is obvious how entirely the Suppression of the last Words of these Grants in the Memorial changes the true State of these Grants; and it is evident from the Grants fairly cited, that no such Conclusion can be made from them, as that the Rivers of *St. Croix* and *St. John's* are Part of *Canada*: For it is evident that the Proprietors were to hold their Lands of any Place which the Company of *New France* should order; consequently their being ordered to hold them, *for the present, of Quebec*, is no more an Argument of their being Part of *Canada*, than their holding them afterwards of any other Country in *New France*, which was not Part of *Canada*, (in case the Company should have thought proper to order it so) would have been a Proof of their being Part of such Country.

There can be no Doubt but that the same Clause is contained in the Company's Grant of *Acadia* itself, referred to in the King's Arret of 1645, which it is supposed the *French* Commissaries will not pretend to be a Proof that *Acadia* was Part of *France*.

It may be properly observed here, that in the two Grants of the 12th and 16th of *October* 1676 (a), of Lands upon the River
St.

AUTHORITY.

(a) Concession de la terre de Soulanges sur la riviere de S. Jean par M. le compte de Frontenac, gouverneur du Canada, 12 Octobre 1676.

St. John, with the Confirmation of them by the Intendant (b), and in that of the 24th of October in the same Year, of Lands at Chignecto (c), produced by the French Commissioners, where the Lands are directed to be held of the Castle of Quebec, it is at the same time added, “ en attendant qu’il en soit autrement ordonné par sa Majesté;” and it cannot be argued that these Lands were in Canada merely because they were ordered to be held of Quebec, the chief Place in New France, when in the Grants themselves they are directed to be held of Quebec no longer than until any other Place shall be named instead of it: But this Argument, considered even abstractedly from these Circumstances, would not be conclusive: The Lands in the three Charter Governments of the Massachusetts-Bay, Connecticut, and Rhode-Island, are held of the Crown of Great-Britain as of the King’s Manor of East-Greenwich in England; yet no one ever imagined that they were therefore Part of England.

Before we finish our Consideration of this Head of Argument in the French Memorial, we think it requisite to take some Notice of the 28th, 29th, and the subsequent Paragraphs.

In

AUTHORITIES.

(b) Concession de la terre de Soulanges sur la riviere St. Jean par M. Duchesneau, intendant de la Nouvelle France, 12 Octobre 1676:

(c) Concession au sieur Joibert de Soulanges du fort de Gemisik par M. le comte de Frontenac, gouverneur du Canada, 16 October 1676.

Concession au dit sieur du fort de Gemisik par M. Duchesneau, intendant de la Nouvelle France, 16 Octobre 1676.

Concession de Chinecto au sieur de la Valliere par M. le comte de Frontenac, 24 Octobre 1676.

Concession de Chinecto au dit sieur par M. Duchesneau intendant de la Nouvelle France, 24 Octobre 1676.

All communicated by the French Commissioners.

Acadia.

In the 28th Paragraph, as a farther Proof that *Canada* extends on both Sides of the River *St. Laurence*, they say, “ On voit par un contrât de 1627 que le Cardinal de Richelieu fit accorder à la compagnie de la Nouvelle France dite *Canada*, toutes les rivières qui se dechargent dans le fleuve appellé *St. Laurent*.”

If they would here insinuate, that “ *la compagnie de la Nouvelle France dite Canada*” was the real Title of this Company, as they seem to do; and that the Grant made them by Cardinal *Richelieu* did not comprize *Acadia*, as well as *Canada*, as they must do in order to give this Argument any Force; they are mistaken in the Recital of the Company, which is not “ *la compagnie de la Nouvelle France dite Canada*,” but only, “ *la compagnie de la Nouvelle France*.”

In the Arret of 1645 (*a*) produced by the *French* Commissaries, in the Grant by the said Company of the River and Bay of *Ste. Croix* to the *Sieur Razilly* in 1632 (*b*), and in the Grant of Lands situated upon the River *St. John* to the *Sieur la Tour* in 1635 (*c*), which are also produced by the *French* Commissaries in Evidence; this Company stile themselves, and are always called, “ *la compagnie de la Nouvelle France*,” without the Addition of *dite Canada*, or any other whatever.

If the Words and general Purport of this Arret in 1645, setting forth the *Contrât* in 1627, upon which the *French* Commissaries

AUTHORITIES.

(*a*) Arrêt du Roi, 6 Mai 1645.

(*b*) Concession faite à M. de Razilly, 19 Mai 1632.

(*c*) Concession de la compagnie au *Sieur de la Tour*, 15 Janvier 1635.

missaries found their Observation, be carefully considered, it will not be found to admit of the Construction put upon it by the *French* Commissaries in the next Paragraph of their Memorial. The Arret was intended to confirm the Grants which had been made by the Company of *New France* of the Fur Trade, “ le long du fleuve St. Laurent & rivieres qui se de-
 “ chargent en icelui jusqu’à son embouchure dans la mer,
 “ à prendre dix lieües près de la concession de Miscou, *sans com-*
 “ *prendre en la dite commission les traites qui se peuvent faire ès*
 “ *colonies de l’Acadie, de Miscou & du Cap Breton, desquelles*
 “ *la dite compagnie a ci-devant disposé.*” And from these Words the *French* Commissaries argue, that *Acadia* was not then thought to extend to the Southern Bank of the River *St. Laurence*, whereas the Inference to be drawn from it seems to be just the contrary: For if the Territory wherein the Inhabitants were by this Grant empowered to carry on the Fur Trade, namely, along the River *St. Laurence* and the Rivers which discharge themselves into it, had been considered as distinct from *Acadia*, there would have been no Occasion to have taken any Notice in this Grant of their former Grant of the Fur Trade in *Acadia*; and the Reason of excepting out of this Grant what they had before granted, could be only, that Part of the Territory along the River *St. Laurence* and the Rivers which discharge themselves into it, was considered as within the Limits of *Acadia*, which made it necessary to except in express Words the Fur Trade of *Acadia* before granted, lest the two Grants should interfere.

The *French* Commissaries have also cited, in a subsequent Part of this Article, three Commissions to the Sieurs *Mont-*

Acadia, *magny* and *Lauson*, and the Comte d'Argenson, in 1645 (a), 1651 (b), and 1657, as farther Proofs that *Acadia* did not then extend to the Bank of the River St. *Laurence* ; but these Commissions prove nothing more than that the Country situated on the River St. *Laurence* and the Rivers discharging themselves into it, are there mentioned to be in *New France*, which is not disputed. We have already shewn that *New France* was the general Name given to all the Territory of *France* in *North America* ; it is in this Application of the Word, that the Country situated on the Banks of the River St. *Laurence* is in these Commissions said to be a Part of *New France*, and that Country is not said in either of those Commissions to be either a Part of *Canada*, or distinct from *Acadia* ; though the *French* Commissioners artfully call them *Commissions of the Governors of* (c) *Canada*.

Governments
of Charnisay
and la Tour.

To these Proofs urged by the *French* Commissioners in Support of their Description of the ancient Limits of *Acadia*, it may not be improper to add the Argument which they have drawn, for the same Purpose, from the Manner in which, as they alledge, this Country was distributed into different Governments previous to the Year 1647, when, as we have shewn, the Sieur *Charnisay* had a Commission of Governor of *Acadia*, which marks the Limits of that Province as the King
of.

AUTHORITIES.

(a) Prolongation de la commission du Sieur Huault de Montmagny, 6 Juin 1645.

(b) Provisions en faveur du Sieur de Lauson, 17 Janvier 1651.

(c) Lettres patentes du gouverneur de la Nouvelle France en faveur du Vicomte d'Argenson, 26 Janvier 1657.

of Great-Britain now claims them (a). The French Commissaries have gone into this Consideration to avoid and remove the Weight and necessary Evidence of the *Sieur Charnisay's* Commission in 1647; but as their Allegation and their Reasoning both tend, and are designed to prove, that the ancient Limits of *Acadia* did not extend beyond the South-eastern Part of the Peninsula; it will be most consistent with that Plan, which we have chosen for Perspicuity, to consider their Argument upon this Head in this Place, as it is in Reality a Part of the Foundation of their System, which we propose to confute in every Part before we proceed to any thing else.

The Fact upon which the French Commissaries set aside the Evidence of the *Sieur Charnisay's* Commission in 1647 is this, that the *Sieur Charnisay*, and the *Sieur de la Tour* had *commandemens particuliers* over Parts of this Country long before the Year 1647; and to prove this, they refer to the Letter of *Lewis* the XIIIth dated 1638 (b), from which Letter and the Commissions of *Charnisay* in 1647, it is undeniably clear, that the *Sieur Charnisay* and *Monseigneur de la Tour* never had *commandemens particuliers* in this Country at all. For in the first place, it appears from the Preamble of the Commissions of *Charnisay* in 1647, and the *Sieur de la Tour* in 1651 (c), that their former

AUTHORITIES.

(a) Copy of the Commission of his Most Christian Majesty to the *Sieur d'Aulnay Charnisay*, dated at *Paris* in February 1647, already communicated to the French Commissaries.

(b) Lettre du Roi Louis XIII. au *Sieur d'Aulnay Charnisay*, du 10 Fevrier 1638.

(c) Copy of the French King's Commission to *Charles Etienne de la Tour*, dated at *Paris* 25th of February 1651, already communicated to the French Commissaries, and the above-mentioned Commission of the *Sieur Charnisay* in 1647.

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former Commissions were of the same Extent with these latter ; and the Fact appears upon the whole to be this. They both had equal Commissions as Governors of all *Acadia* previous to the Year 1647 ; these Commissions gave them equal Jurisdiction in the same Country ; that Concurrence of Jurisdiction created those Hostilities between them, which the *French* Commissaries call an open War, and the Letter of *Lewis XIII.* in 1638, improperly cited as the Origin of their Commission, was intended to end these Differences by limiting the Exercise of their Jurisdiction for the future.

The Commission of *Charnisay* over all *Acadia* in the Year 1647, was granted after *Montieur de la Tour* had been recalled in Disgrace ; and the Commission of *M. de la Tour* was granted in 1651, with the same Limits as that of *Charnisay* in 1647, upon his having vindicated himself, and after the Death of the *Sieur Charnisay*.

From this plain State of the Fact it is clear, first, that the *Sieur Charnisay* and *Monsieur de la Tour* had, previous to the Year 1647, two equal Commissions over *Acadia*, existing at the same Time, and with the same Limits, but that the first Commission described *Acadia* and its Limits as their two latter Commissions did in 1647, and 1651 ; secondly, that both their first and latter Commissions were over the whole Country of *Acadia*, which in the *Sieur Charnisay's* Commission is marked out with the very Limits *Great-Britain* now claims, and expressly said to extend to *Pentagoet* Westward ; and lastly, that the Letter of *Lewis XIII.* referred to by the *French* Commissaries, was nothing more than a Method of Accommodation taken by the Court of *France*, to remove the Inconvenience
of

of the two former equal and rival Commissions, and to put an End to the Hostilities they had occasioned.

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As to the second Application, which the *French* Commissaries make of the Letter of *Lewis XIII.* namely, to prove that the Country from the Bay of *Fundy* to *New England* has been always called the *Païs des Etechemins*, giving the *Sieur Charnisay's* Commission in 1647 in Proof of it. This Application is founded on a Mistake, which a little Attention to the Particulars of this Transaction, even as they state them, will easily point out and correct. It is not in the *Sieur Charnisay's* Commission of 1647 (a) that the *Païs des Etechemins* is specified, but in the Letter of *Lewis XIII.* (b) which, being written to assign different Jurisdiction to two Persons in the same Country, required the Specification of the particular Names, which the Parts of the Province to be divided had usually borne; and it is evident that this occasioned the naming the *Païs des Etechemins* in that Letter, and not any Notion that the *Païs des Etechemins* was a distinct Province from *Acadia*, from this Name being sunk again in the general Appellation of *Acadia*, in the subsequent Commissions of *Charnisay* in 1647, and of the *Sieur de la Tour* in 1651 (c), who are appointed Governors of *Acadia*, without any Mention of the *Païs des Etechemins*, which, if it had so lately been held a distinct Country, would surely have been added by Name, but which it was natural not to specify, if it was then thought

AUTHORITIES.

(a) See the *Sieur Charnisay's* Commission, dated in *February* 1647.

(b) Lettre du Roi *Louis XIII.* du 10 *Fevrier* 1638.

(c) Copy of the *Chevalier de la Tour's* Commission, dated in *February* 1651.

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thought to be only a Part of a general Country already described in these Commissions.

The *French* Commissioners have also argued from the Commission which the *Sieur Denys* had about this Time over the Country from *Cape-Canseau* to *Cape-Roziers*, under the Name of the *Grande Baye de St. Laurent*, that that Tract of Land was not then thought a Part of *Acadia*: But this Remark is very easily answered; for the *Sieur Denys's* Government consisted of the Coast lying between *Cape-Canseau* and *Cape-Roziers*, which forms one Side of the Gulph of *St. Laurence*, and of the adjacent Islands; yet it is very remarkable that the only Part of this Government now in question, which the *French* Commissioners can have any Desire to shew by this Commission not to have been then thought in *Acadia*, and which we are called upon to prove to have been at this Time a Part of it, is in this very Commission described to be Part of the Country of *Acadia*. By this Commission of the *Sieur Denys* (d) a Fishery is granted to him along the Coast from *Cape-Roziers* to *New England*; and this Country is thus marked out, "toute l'étendue du dit païs & côtes de l'Acadie jusqu'aux Virgines." From which Expression, and the Name here given to all the Country contained within this Commission, except the Islands, it is plain that the Court of *France*, at this very Time, knew and declared the *Sieur Denys* to have a sedentary Fishery on the whole Coast of *Acadia*, and a Government in a Part of it, and that *Acadia* really extended from *Cape-Roziers* to *New England*.
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AUTHORITIES.

(b) Provisions pour le *Sieur Nicolas Denys*, 30 Janvier 1654; communicated by the *French* Commissioners.

It is true, this Commission of the *Sieur Denys* was intitled the Government of the *Grande Baye St. Laurent*, which Name we suppose was given to this Government, because it included the Islands in that Bay; but the *French* Commissaries will hardly set up the Name of the Government as sufficient Authority against the Declaration in the Commission, nor argue that the County from *Cape-Canseau* to *Cape-Roziers*, or from *Cape-Canseau* to *New England*, was not Part of *Acadia*, against the Authority of the Words of this Commission, which declare it to be Part of it, merely because, upon putting this Country and Fishery under the same Government with the Islands in the Bay of *St. Laurence*, the Government took its Name from the Bay.

This same Country, from *Cape-Roziers* to *Cape-Canseau*, was also included in the *Sieur Charnisay's* Commission in 1647, as is acknowledged by the *French* Commissaries themselves in the 30th Paragraph of the third Article of their Memorial.

It may not be improper, at the End of our Consideration of this Matter, which the Variety of Commissions, the Divisions made in the Country, and the Misconstruction made by the *French* Commissaries of the Letter of *Lewis XIII.* have made a little intricate, shortly to state the Evidence which really results from this whole Transaction. In the first place then, it is clear from the subsequent Commissions of *Charnisay* in 1647, and *Monfieur de la Tour* in 1651, that their former Commissions were the same with these latter, which mark out *Acadia* as *Great-Britain* now claims it. That the Letter of *Lewis XIII.* in 1638 was written only to assign the Exercise of two Jurisdictions in Parts of the same Country to different Persons at Enmity. That the *Sieur Denys's* Commission itself declares as much of his Government as we assert to have been Part of *Acadia*, to have been in *Acadia*. That

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the Name of the *Païs des Etehemins* was used in the Letter of *Lewis XIII.* to serve a present Purpose, and dropped when that ceased. That the *Sieur Denys's* Commissions expressly declare the *Païs des Etehemins* to be within *Acadia*, and the latter Commissions of *Charnisay* and *de la Tour*, in 1647 and 1651, sink it in the general Term of *Acadia*; and that upon the whole, if the Sense of *France*, as expressed in these Commissions, be taken together, and impartially considered, it plainly appears to have been, that *Acadia*, (however she occasionally, in Compliance with particular Interests and for immediate Convenience, parcelled out this Country into several Governments,) extended from *Pentagoet* to the River of *St. Laurence*, that is, that the Country of *Acadia* and its ancient Limits had the very Extent *Great-Britain* is now contending for.

Supposed
additional
Words of *Païs*
confins in
Charnisay's
Commission.

The *English* Commissaries have cited the *Sieur Charnisay's* Commission of Governor of *Acadia* in 1647, as an effectual Proof that the Crown of *France* at that time considered the Limits of that Country to be those *Great-Britain* now demands; and the *French* Commissaries having endeavoured to shew that the ancient Limits cannot be decided by the Description of ancient *Acadia* in that Commission, because it extends not only to *Acadia* but the *Païs confins*: It will be most pursuant to our Plan to consider in this Place their Authorities and Reasonings upon this Point, as their Representation of the ancient Limits of *Acadia* is founded, among other things, upon their Constructions of these Commissions. The *French* Commissaries seem to admit, that if the Commission of the *Sieur Charnisay*, describing the Bounds of *Acadia* to extend from the River of *St. Laurence* Northward to the *Virgincs*, or *New England* Westward, had been only a Commission over *Acadia*, the Use made of it by us in our last Memorial would have been conclusive;

but

but that, as the Commission is over *Acadia* and *les païs confins*, it cannot be received to be an adequate Proof of the then reputed Limits of *Acadia*: Let us consider how far this Objection is valid upon the Words of the Commission, and how far the additional Words, whatever they are, after *Acadia*, can be construed in this Sense.

In the first place, the *French* Commissaries have, we suppose inadvertently, very materially varied from the Words of this Commission in their Citation of it (*a*); for the Words are not *Acadie & païs confins*, but only *païs, territoires, côtes & confins de l'Acadie*; by which Variation the *French* Commissaries have very remarkably changed the Appearance of this Part of the Commission; for if it be taken as it has been cited by the *French* Commissaries, the Words *Acadie & païs confins* may be construed as annexing Countries bordering on *Acadia*; whereas if you take the Words of the Commission in their own Order, which are, *païs, territoires, côtes & confins de l'Acadie*, they imply only the Countries, Territories, and Confines of *Acadia*. According to the Citation of the *French* Memorial, neighbouring Districts, professedly not in *Acadia*, are added to *Acadia*; but the Commission makes every thing meant as the *païs, territoires, côtes & confins*, there specified, to be within *Acadia* itself. The Operation of this Difference between these Words upon the Matter in question is very evident, and the restoring the true Text of the Commission was very necessary in many Lights. The Commission being thus re-established in its own Words, let us now consider what Weight there is in the Objection of the *French*

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Commis-

AUTHORITY.

(a) Commission of the Sieur Charnisay, dated in February 1647.

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Commissaries, founded upon these supposed additional Words, *Acadie & païs confins*. They think that, these Words having been added, something more than *Acadia* was designed to be included within the Commission; and then having recourse to their first Opinion, that *Acadia* included only the South-eastern Part of the Peninsula, they make all the rest of this Tract of Country described positively in the *Sieur Charnisay's* Commission, to pass under the Words *païs confins*. In Cases where the Limits of a Province have never been ascertained, and the neighbouring Country has never been brought within any known Description, or been made a Part of any other Government, it may be not always unreasonable, upon the Construction of such additional Words as *côtes & païs confins*, to admit the Commission to have been designed to include within its Limits a small Extent of such neighbouring Tract; but are the *French* Commissaries aware how great a Tract they would make in this Instance pass as a Confine? If they would cast an Eye upon the Map, and see what a vast Extent of Land there is from *Cape-Canseau* to the River of *St. Laurence* Northward, and from thence to *Pentagoet* Southward, and from thence to *Cape-Sable* Eastward, and afterwards compare this Extent with the small Part of the Peninsula which they say is *Acadia*, they will hardly give it sincerely as their Opinion, that it could have been intended in the Commission of the *Sieur Charnisay*, to pass so immense a Tract of Land as the Confine of such a very narrow District. It might be enough, in Answer to this Argument in the *French* Memorial, to shew how impossible it is to think that even the Words cited by the *French* Commissaries, by Mistake, out of the *Sieur Charnisay's* Commission, would bear this Construction, if they were to be found there; and that if this Method of construing the Commission

mission was admitted to be the fair one upon those Words, those Words themselves are not in the Commission at all. But to put this Matter still more out of Dispute, we will shew that these Words of Addition occur continually in other similar Commissions under the Crown of *France*; and that it appears by the general Use of them, that they are never inserted with any particular View, but are generally merely superfluous, and become Words of Form from Practice and Custom. The *Sieur Champlain* was appointed Lieutenant-Governor to the successive Vice-Rois of *New France* from the Year 1612 to 1625; and by his Commission reciting the Extent of Government of the Governor in chief of *New France*, he is commissioned to exercise the Power of Lieutenant-Governor within that Government, & *les terres circonvoisines*; from whence it follows, that if *terres circonvoisines* be here construed to enlarge the other Words which describe the general Limits of the Government of *New France*, the Lieutenant-Governor will hold a Government under the Governor in chief, and by Appointment from him more extensive than he has himself.

In 1625, the Duke of *Ventadour* was appointed by *Lewis XIII.* Lieutenant-General of *New France*, & *terres circonvoisines*, which additional Words are omitted in the Commission of the Count de *Soissons*; and yet it appears from *Champlain* and *Laet*, that their Governments had the same Extent, though these Words *terres circonvoisines*, thought by the *French* Commissioners always to add a new Jurisdiction, were only inserted in one of their Commissions (*a*). Will the *French* Commissioners say that the

AUTHORITY.

(*a*) Champlain, Part 2. p. 81. Champlain, Part 1. p 231.

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the Lieutenant-Generals of *New France* meant or can be interpreted to have granted in consequence of their delegated Power, a more extensive Government than they held themselves? Will they say the Words *terres circonvoisines* were material, or enlarged the Jurisdiction in the Commission of the Duke of *Ventadour*, when the Count de *Soissons* had the same Extent of Government that the Duke of *Ventadour* had by a Commission which had not these Words? They must either assert these two Points, or directly admit that the Words *terres circonvoisines*, even when put as additional to the general Country, (which are not in the *Sieur Charnisay's* Commission) are often to be found in the *French American* Commissions in Places, where to construe them, as the *French* now say they ought to be construed, would be to introduce endless Absurdities, and where the Commissions themselves prove they were added of course, and without any particular View.

It is evident from the latter Parts of this Commission of the *Sieur Charnisay*, that the Words *territoires, côtes, & confins de l'Acadie*, are less capable of this remote Construction in this, than they would be in any other Instance; for when the Limits are afterwards particularly described in this Commission, the Words *côtes & confins de l'Acadie* are omitted, and the Words *appartenances & dependances* are inserted, as Expressions of the same Purport and Meaning, which Alteration is the more particular, as it is made in a Part of the Commission, where, if the first Words had been thought material, they would have been most carefully preserved, as it is in this Place that the Limits are most precisely delineated, and where the Description recapitulates the former Recital, and takes in all the Extent of it, though it

leaves

leaves out the very Words selected by the *French* Commissaries as the most material. It may be proper to observe here, that the *French* Commissaries have endeavoured to strengthen the Weight they lay upon these Words, and to shew they were designed as material, by observing that they were copied after the Commission of the *Sieur de Monts* in 1603; and they farther remark, that the Commission of the *Sieur de Monts* in 1603 plainly confutes our Notion of the ancient Limits of *Acadia*, because that Commission being confined to the Countries between the 40th and 46th Degrees, could not contain the whole of the Peninsula, nor the Isthmus, nor *Gaspe*. As to the first of these Observations, that the *Sieur Charnisay*'s Commission in 1647 took the Expression of *païs confins* from the Commission of the *Sieur de Monts* in 1603, we have already shewn that there is no such Expression in *Charnisay*'s Commission at all; and as to the second, it is evident from a Variety of Parts of this Commission, that the *Sieur de Monts* was made Governor of all the Countries then belonging to *France* in *North America*; and that the Assignment of the 40th and 46th Degrees, as the geographical Compass of his Government, arose from an Ignorance of the Geography of the Country, and the little Acquaintance *France* then had with the Situation of those Territories she held there. The Title of the Patent itself is, "Commission du Roi au *Sieur de Monts* pour l'habitation & terres de la *Cadie*, *Canada*, & autres endroits de la *Nouvelle France*." In reciting the Views of the Commission, they are said to be "pour peupler & habiter les terres, côtes, & païs de la *Cadie*." And in that Clause of it which grants to the *Sieur de Monts* an exclusive Fur Trade, which is expressly confined to the Limits of his

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his Government from the 40th to the 46th Degree (a) “*toute la côte de la Cadie, terre & Cap Breton, Baye de St. Cler, des Chaleurs, Isle Percée, Gachepé, Chizedec, Mesamiché, Lef-quemin, Taddouffiac, & la riviere du Canada tant d’un côté que de l’autre, & toutes les bayes & rivières qui entrent au dedans des dites côtes,*” are particularly named: From which two Recitals of the Commission it is evident, how little Authority the *French* Commissioners have for arguing from the geographical Limits of the *Sieur de Monts’s* Commission in 1603, that it did not include one Side of that Part of the Peninsula which is situated upon the Gulph of *St. Laurence*, nor the Isthmus, nor *Gaspésie*, contrary to the express Recital of the Commission which specifies *Gaspésie*, and certainly takes in the Isthmus, and the whole of the Peninsula lying on the East of *St. Laurence*, when it extends by Name to both Sides of the River *St. Laurence*, and includes all *Canada*. The Occasion of this Difference between the Commission in that Clause where it enumerates the Countries meant to be included, and that in which it assigns the geographical Limits, is easily explained. This Commission was passed in 1603; Parts of *America* had then been visited by *France*; particular Parts of it were known to *France* by their respective Names, but the geographical Situation of them was not known: Accordingly *France*, meaning to give the *Sieur de Monts* a Commission over all *New France* (and it is remarkable there was no other Commission subsisting for any Part of *New France* at this Time) the Countries then composing *New France* are accurately enumerated, because these *France* knew by their Names;

AUTHORITY.

(a) Escharbot, p. 417.

Names; but *France* not having yet become accurate in the Latitudes and Situation of *America*, is mistaken in the geographical Description. The Enumeration in the Patent shews the Limits actually given to the Commission, and at the same time proves the Circumstance, on which the *French* Commissaries found their Observation, to have been an Error in the Commission; and it is very remarkable that *Laet* has made very near the same Mistake in the second Chapter of his History; which Mistake in the Geography of the Commission is surely to be corrected by the Intention so plainly expressed in the Enumeration of the Parts of *New France*, and not the Commission to be construed to have extended no farther than the 40th and 46th Degree, against the express Declaration of it.

From all that has been said upon these two Commissions of the *Sieur Charnisay* in 1647, and the *Sieur de Monts* in 1603, it is evident that the Words cited by the *French* Commissaries, to prove the *Sieur Charnisay's* Commission extended beyond *Acadia*, are not in that Commission; — that all the *côtes & confins* there mentioned, are mentioned as Parts of *Acadie*, and not as additional Districts; — that if the Words *Acadie & pays confins* were to be found in that Commission, they must upon the Authority of other *French* Commissions be taken as Words of Form merely; — that the *Sieur de Monts's* Commission in 1603, in reality extended to all *New France*; that all the Country included within the *Sieur Charnisay's* Commission was included as *Acadia*, and that therefore that Commission marking out the ancient Limits of *Acadia*, as we have done, to extend Northward as far as the Southern Banks of the River *St. Laurence*, and Westward to abut on the *British* Territories, shews what *France* then thought the Limits

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of *Acadia*; and it is an unanswerable Proof of the present Claim of his Majesty the King of *Great-Britain*.

We have now very carefully considered the System of the *French* Commissaries for the Decision of the ancient Limits of *Acadia*, and examined what Authority they can derive, even upon their own Plan, from ancient Maps, the Historians of that Country, the particular Tenor of the Commissions of the early *French* Governors of it, and every other Species of Evidence they have brought for confining the ancient Limits to the South-eastern Part of the Peninsula: From which Enquiry into every general Consideration, and each particular Fact upon which they found themselves, it is now undeniably established, as an authentick Truth, in this Argument, that neither the ancient Maps or Historians cited by the *French* Commissaries are reconcilable with their Description of the ancient Limits.—That much Proof might be deduced to support the Claim of the King of *Great-Britain* from ancient and modern Maps.—That among the *French* Historians, the *Sieur Denys* and his Commission in 1654 assign the very same Bounds to *Acadia* that we do.—That *Champlain* marks out the Northern Limits at the Southern Bank of the River *St. Laurence*, and expressly carries the Western as far as *St. Croix*;—and that therefore if this Question was to be decided upon these Authorities, *Great-Britain* might draw from Maps no small Assistance in the Maintenance of her Pretensions, and from the *French* Historians themselves a sufficient Defence of her whole Claim.—But that the Crown of *France* would thus far, upon the Argument of the *French* Commissaries, be obliged to depart from her Opinion, upon the very Evidence they have brought in Support of it.

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We have also shewn that the Commissions of -the *French* Governors, cited originally by the *English* Commissioners to prove the Sense of *France* in very early Times of what were then the Boundaries of that Country, were Commissions over that Country only, and therefore compleat Proofs of the Matter they were brought to establish : That there is no real Weight in the Argument founded upon the particular Names which particular Parts of *Acadia* have borne different from the general Country : That *New France* has from very early Times been the Name given by the *French* Writers, the People and Crown of *France*, to the *French* Territory in *North America* ; and we have in a clear and regular Method given Answers to every separate Point upon which the *French* Commissioners rest the Validity of their Manner of determining the ancient Limits of *Acadia*, independent of the Treaties of *St. Germain* and *Breda*. By doing this we have at the same time proved the Truth of that Principle which has been laid down by ourselves as the Basis of our own System ; for nothing can better shew the Fairness of having recourse to Treaties which have passed between the Crowns of *France* and *Great-Britain*, in order to ascertain what have ever been and ought to be considered by both Crowns as the ancient Limits of *Acadia*, than the having proved that the most ancient Maps, though irreconcilable among themselves in many Particulars, all agree in some measure with the Limits we have assigned ; and that the most ancient *French* Historians, as far as they decide upon the ancient Limits at all, establish those which we contend for. Possibly the *French* Commissioners may now be inclined to reject their own first Method, and agree with us in recurring to Treaties, upon finding that their own Maps, Historians, and

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the more authentick Evidence of the Commissions to their Governors, the Basis and very Substance of their System, when carefully examined, are but so many Authorities in favour of his Majesty's Claim, falling in with, and confirming, the Sense and Operation of the Treaties.

The Treaty of *St. Germain* is the first publick Treaty between the two Crowns, which settles the Possession of *Acadia* in either: No Limits are even mentioned in that Treaty (a). The Treaty of *Breda*, in which no Country but *Acadia* is mentioned, a second time fixes it in the Crown of *France*. The Limits of the Country not being described in that Treaty, a Difference of Opinion upon them arose between the two Crowns; upon which, after a Discussion of several Years, the Limits of that Country were settled. The Treaty of *Utrecht* ceded *Acadia*, with its ancient Bounds, to *Great-Britain*; in consequence of which the old Dispute between the two Crowns upon the Boundaries is revived; and it is from this evident Relation between these several Treaties, and the Possession of *France* under the two former, together with the Words of the Treaty of *Utrecht*, that the *English* Commissioners undertake to prove with what Limits *Great-Britain* ought in Justice and Equity to possess *Acadia* under that Treaty.

This is the System upon which we shall argue: In Defence of which we shall have no Occasion to magnify the Authority of Maps made in Times of little Credibility, or to rely singly upon the inconclusive Testimony of the earliest Historians

AUTHORITY.

(a) Corps diplomatique, Tome 7. Partie 1. page 41.

rians of *America*. On the contrary, we shall have little more to do than to state the History of the Country, the Treaties which have passed between the two Nations concerning it, with the Proceedings which have followed in consequence of them, and the Possessions taken in pursuance of every Treaty, which has ever transferred this Country in the most general Terms, in order to prove, that it is from these Evidences it ought to be determined what now should be considered as the ancient Limits of *Acadia*; and that it is from these Evidences only those Limits can be determined at all: All Authorities founded on Maps and Historians, uncertain in their Nature, being such as *Great-Britain* refuses singly to rely on, tho' they be sufficient to confute the System of the *French* Commissaries in their Memorial, and the ancient Limits assigned by the Crown of *France*.

That we may be more clearly understood in our general System, and that all the Foundation and Force of each argumentative Part of it may be immediately seen in its true Light, and without any Disguise, it may be convenient and useful to make a State of the History of *Acadia*, and the Revolutions it underwent from the Year 1632, (the Date of the Treaty of *St. Germain*) to the Treaty of *Utrecht*; in which as we shall find many very essential Arguments on the Proceedings cotemporary with the Treaties, we will give a Summary of the Steps of the Negotiation preceding each Treaty, and of such Measures as were taken in the Execution of it, as may contribute to explain the Intention, and to ascertain the Effect of it, at the same time that we mention the Treaty itself.

*History of the
Revolutions of
Acadia.*

It is the more necessary to make this general State, in order to place our Evidence and Argument in its true and proper Light, because the *French* Commissaries have in their Memorial

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rial broke into the Order, and lessened the Weight of the Facts which made up this Deduction, by considering each Part separately, and never once taking a View of the whole Proof together; the Series of which has an Authenticity, Continuation and Uniformity, seldom to be found in Discussions of this Nature.

Sir *William Alexander*, and Sir *David Kirk*, and others, having, by a Commission from King *Charles* the First, forced the *French* from both Sides of the River *St. Laurence*, and taken *Quebec*, *Port-Royal*, *St. Croix*, and *Pentagoet*, which, as *Monf. d'Estrades* observes, were all the Territories *France* then had in *North America*; by the 13th Article of the Treaty of *St. Germain* in 1632 (*a*), "*tous les lieux occupés en la Nouvelle France, Canada & Acadie,*" are restored by *Great-Britain* to the Crown of *France*. In consequence of which general Restitution the whole Country to the West, as far as *Pentagoet*, and to the Northward as far as the River *St. Laurence*, was restored to *France* as *Acadia*, according to the *Comte d'Estrades* (*b*) and the *Pere* (*c*) *Charlevoix*, who expressly cites, as the Authority for his Account, the very Commission of *Monsieur Razilly* in 1632.

(*d*) *France* continued in Possession of this Country, and of *Acadia* with these Limits, as appears from the *Sieur Char-*
nifay's

AUTHORITIES.

- (*a*) Treaty of *St. Germain*, Article the 13th.
- (*b*) *Lettres de M. d'Estrades*, Vol. 1. page 293.
- (*c*) *Pere Charlevoix*, Vol. 1. page 417.
- (*d*) *Lettres de M. d'Estrades*, Vol. 1. page 293.

nifay's Commission of 1647, and the Commission of Monsieur *'de la Tour* in 1651, till the Year 1654 (a), when an Officer, commissioned by *Oliver Cromwell*, made a Descent in the River St. *John*, and took from the *French* the Forts *Pentagoet*, St. *John*, and *Port-Royal* (b).

It appears from the 25th Article of the Treaty of *Westminster* in 1655 (c), that in the Year 1654, these Forts *Pentagoet*, St. *John*, *Port-Royal*, and *la Heve* were claimed by *France*, at the Treaty of *Westminster*, as Forts in *Acadia*; but by the 25th Article of the Treaty of *Westminster*, this Matter is referred to the Consideration of Commissaries, who were appointed by that Treaty.

Nothing being done in consequence of the Treaty in 1655, Colonel *Thomas Temple* (afterwards Sir *Thomas Temple*) was appointed by *Oliver Cromwell* Governor of the Fort of St. *John*, *Port-Royal* and *Pentagoet*, as appears by the original Warrant of *Oliver Cromwell* to Captain *Leverette*, then Governor of those Forts, directing him to deliver them to Colonel *Temple*; in which Warrant these Forts are expressly said to be in *Acadia*, commonly called *Nova Scotia* (d).

This Point, undecided by the Treaty of *Westminster*, was not revived till the Year 1662 (e), when a Petition being transmitted from

AUTHORITIES.

- (a) Lettre de M. d'Eftrades, Vol. 1. page 293.
- (b) Capitulation of *Port-Royal*, communicated by the *French* Commissaries.
- (c) Corps diplomatique, Vol. 6. Partie 2. page 123.
- (d) Copy of the Warrant to Captain *Leverette*, dated 18th Sept. 1656, heretofore communicated to the *French* Commissaries.
- (e) Lettres de M. d'Eftrades, Vol. 1. page 253, &c.

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from *New England* to *Charles* the Second and the Parliament of *Great-Britain*, praying that *Acadia* or *Nova Scotia* might not by restored to the *French*, Monsieur *d'Estrades*, then Ambassador at *London* from the Court of *France*, who had Instructions to demand this Restitution, desired that Commissioners might be nam'd to discuss the Right of the two Crowns in the Presence of his Majesty; which was done, but no Measure of State followed upon it.

It appears from the Letters of Monsieur *d'Estrades* (a), that upon his Application in 1662, to have this Country restored to *France*, a Difference of Opinions arose upon the Limits; and this Ambassador in one of his Letters to *Lewis XIV.* expressly says, that he demanded the Restitution of all *Acadia*, containing eighty Leagues, “& que les forts de *Pentagoët* & du *Port-Royal* “soient rendus;” and *Lewis XIV.* in his Answer adopts this Opinion, and acknowledges these Limits. In another Letter, Monsieur *d'Estrades* gives the King a very particular Account of the Arguments he used, and the Limits he asserted, upon the Discussion by Appointment between him and the Persons nam'd by *Charles* the Second; in which he maintains, that the Fort *Pentagoët*, *St. Croix*, and *Port-Royal*, have always been Part of *Acadia*; he urges the Restitution made to *France* in 1632, as a Proof of it; he asserts the Restitution then made of *Acadia*, as *Acadia*, to have been from *Quebec* to *Pentagoët*, which he there says is *the first Place in Acadia*; and he adds, that *Razilly* took upon him the Government of *Acadia* in this Extent, in consequence of that Treaty. The Manner in which the King expresses himself, in his Answer to one of these Dispatches, is remarkable,

AUTHORITY.

(a) Lettres de M. d'Estrades, Vol. 1. page 233.

markable, and shews the Opinion *Lewis XIV.* had of the Boundaries of *Acadia*. (a) “ J’approuve fort tout ce que vous avés fait jusqu’ici, pour me faire rendre l’*Acadie*, des Calvinistes qui vouloient engager le Roi mon frere par leurs intérêts au soutien d’une si manifeste injustice.” And in another Letter he says, “ Pour l’*Acadie* il n’y a rien à éspérer, que lorsqu’il se fera un traité entre la France & l’Angleterre, ils ont si peu de droit à la rétenir, qu’ils ne pourront pas se defendre de la rendre.”

In another Letter from Monsieur *d’Estrades* to the King, dated the 25th of *December* 1664 (b), in which he is reasoning in Favour of a League with *England*, he says, “ Your Majesty may also by a Treaty with the King of *England* get *Acadia* restor’d, from *Pentagoet* to *Cape-Breton*, containing eighty Leagues of Coast.”

Upon opening the Congress at *Breda*, Monsieur *de Lionne* informs Monsieur *d’Estrades* in his first Dispatch, that the King of *France* has directed him to say, “ que si les Anglois font instances pour la restitution des deux Isles, vous ne devés faire aucune difficulté de promettre, que, l’Angleterre restituant l’*Acadie*, toute choses soient rémises en *Amerique*.” And Monsieur *d’Estrades*, in a subsequent Letter to Monsieur *de Lionne*, gives an Account of his having made that very Offer to the *English* Ambassador, who acquiesced in the Proposal.

By the tenth Article of the Treaty concluded between the two nations at *Breda*, on the $\frac{2}{3}$ July 1667, the Restitution of *Acadia* to the Crown of *France* is stipulated in the following Words (c) :

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“ Le

AUTHORITY.

(a) Lettres de M. d’Estrades, Vol. 1. page 265.

(b) Lettres de M. d’Estrades, Vol. 1. page 576.

(c) Corps diplomatique, Tom. 7. Partie 1. page 41

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“ Le ci-devant nommé Seigneur le Roi de la Grande Bretagne restituera aussi & rendra au ci-dessus nommé Seigneur le Roi très Chrétien, ou à ceux qui auront charge & mandement de sa part, scellé en bonne forme du grand sceau de France, le pays appelé l'Acadie, situé dans l'Amerique septentrionale, dont le Roi très Chrétien a autrefois joui ; & pour exécuter cette restitution, le susnommé Roi de la Grande Bretagne, incontinent après la ratification de la présente alliance, fournira au susnommé Roi très Chrétien tous les actes & mandemens expédiés dûement & en bonne forme, nécessaires à cet effet, ou les fera fournir à ceux de ses ministres & officiers, qui seront par lui délégués.” In which Article *Acadia* is no otherwise described than as situated in *North America*, and as the *Acadie dont le Roi très Chrétien a autrefois joui* ; though a Difference of Opinion had before this Time arisen between the two Crowns about the Boundaries of this Country, and Discussions had followed upon it.

On the 17th of *February* 1667-8 an Instrument was executed by his Majesty (*a*), by which, in pursuance of the said Treaty, King *Charles II.* surrenders for himself, his Heirs and Successors for ever, all that Country called *Acadia*, lying in *North America*, which the said Most Christian King did formerly enjoy ; as namely, the Forts and Habitations of *Pentagoet*, *St. John*, *Port-Royal*, *la Heve*, and *Cape-Sable*, which his Subjects enjoyed under his Authority, till the *English* possessed themselves of them, in the Year 1654, and since. And in the Copy of this Instrument, upon Record in the Paper Office, there is a marginal Note opposite to the Name of the Forts in these Words, *viz. inserted at the Request of Monsieur de Ruigny.*

AUTHORITY.

(*a*) Instrument for the Cession of *Acadia*, already communicated to the French Commissaries.

M. Mou-

(a) M. Mourillon du Bourg, being commissioned under the great Seal of France, to receive *Acadia* on the 21st of October 1668, demanded a Restitution of it, according to the Treaty of *Breda*, from Sir Thomas Temple, then Governor, delivering him at the same Time a Letter from the King of England, dated the 31st of December 1667, under his Signet, containing his Majesty's Orders for the Surrender of it. But Sir Thomas Temple returned for Answer, among other Things, that finding several Places mention'd in the Order by Name to be in *Nova Scotia*, and not in *Acadia*, and his Majesty having likewise commanded him in the said Order to conform himself to the Articles of the said Treaty, where there is no Mention made of *Nova Scotia*; for that and other Reasons, he held it his Duty to defer the Delivery of the said Country until his Majesty's Pleasure was further known, both as to the Bounds and Limits of *Acadia* and *Nova Scotia*, there being no Places mentioned in his Order, but *la Heve* and *Cape-Sable*, which belonged to *Acadia*; and the rest of the Places mentioned, viz. *Pentagoët*, *St. John's*, and *Port-Royal*, being in *Nova Scotia*, bordering upon *New England*,

This Answer is dated at *Boston* the 16th Day of November 1668, and is attested as well by the said Mourillon du Bourg, as by Sir Thomas Temple; and the said du Bourg, in a Letter to the *French West-India Company*, dated the 9th of November 1668 (b), giving an Account of this Transaction says, that Sir Thomas Temple made a great Difference between *Acadia* and

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AUTHORITIES.

(a) Copy of Sir Thomas Temple's Letter to the Lords of the Council, dated November 24, 1668, &c. already communicated to the French Commissaries.

(b) See Copy of this Letter, heretofore communicated to the French Commissaries;

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Nova Scotia, which he makes to extend from *Mereguelish* by *Cape-Breton* to the River of *Quebec*.

King *Charles II.* judging this Distinction made by Sir *Thomas Temple* to be frivolous, did, at the Representation of the Ambassador of *France*, send final Orders under his Sign Manual to Sir *Thomas Temple*, dated the 6th of *August* 1669 (*a*), commanding him, without Delay, to restore to the Most Christian King the said Country of *Acadia*; as namely, the Forts and Habitations of *Pentagoet*, *St. John's*, *Port-Royal*, and *Cape-Sable*, conforming himself in the Execution of this Order to the 10th and 11th Articles of the Treaty of *Breda*. This Order was delivered to Sir *Thomas Temple* by the Chevalier de *Grande Fontaine*, the Person commissioned under the Seal of *France* to receive *Acadia*; to whom the Surrender of *Acadia* was made, and the Habitations of *Pentagoet*, *St. John's*, *Port-Royal*, *la Heve*, and *Cape-Sable*, as Parts of it (*b*).

France being thus settled in the Possession of *Acadia*, the Chevalier de *Grande Fontaine* was appointed Governor of it, who resided at *Pentagoet*, and *M. Marson* commanded in his Name at the Fort of *Gimesic*, in the River *St. John* (*c*).

Pere *Charlevoix* in the 10th Book of his History gives an Account of an Expedition made by an *Englishman* against *Pentagoet*, and the Fort in the River of *St. John*, in the Year 1673 (*d*), wherein, speaking of the Danger arising to *Acadia* from the Loss of these two Forts, he says, "ainsi l'Acadie, dont ces deux
" forts

AUTHORITIES.

(*a*) Copy of King *Charles* the Second's final Order, already communicated to the *French* Commissaries.

(*b*) Copy of the Surrender made by Sir *Thomas Temple*, already communicated to the *French* Commissaries.

(*c*) Pere *Charlevoix*, Book 10. page 449 & 450.

(*d*) Ibid.

“ forts faisoient toute la défense, demeura exposée aux courses des Anglois.” It is true, this Expedition is related by no other Writer ; it certainly was undertaken without any Authority from *Great-Britain* ; yet the Passage is not the less a Proof for either of these Reasons, that Pere *Charlevoix* thought that *Acadia*, in the Year 1673, extended to *Pentagoet*.

In 1685, upon a Complaint that some *English* Vessels had fished upon the Coast of *Acadia*, the *French* Ambassador, then in *England*, presented a Memorial to the King on the 16th of *January* (a), in which he sets forth, that the Coast of *Acadia*, extending from the *Ile Percée*, which lies near *Cape-Roziers*, at the Entrance of the River *St. Laurence*, to *St. George's Island*, which lies at the Entrance of the River *St. George*, was possessed by *France* till the Year 1654, when it was taken by the *English* ; and that *Acadia* was again restored to *France* by the Treaty of *Breda* with the same Limits.

In *October* 1687, *M. de Barillon*, and *M. Bonrepas*, (one Ambassador, and the other Envoy Extraordinary from the Court of *France* to the Court of *Great-Britain*, and both Commissioners on the Part of *France*, for the Execution of the Treaty of Neutrality, concluded on the 6th of *November* 1686, between the Crowns of *Great-Britain* and *France*, with Regard to their respective Territories in *America*) presented a Memorial to the Court of *Great-Britain* (b), complaining that the Judge of *Pemaquid*, a Subject of the Crown of *Great-Britain*, had seiz'd and carried off certain Merchandize in the Possession of *M. Cassein*, a *French* Merchant, settled at *Pentagoet*, situated

in

AUTHORITIES.

(a) Copy of this Memorial, already communicated to the *French* Commissioners.

(b) Copy of a Memorial, concerning Wines seiz'd at *Pentagoet*, already communicated to the *French* Commissioners.

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in the Province of Acadia, as contraband, and upon Pretence that *Pentagoet* belonged to *Great-Britain*, whereupon they represented, “*Que par les articles 10 & 12 du traité de Breda, il est expressement déclaré que l’Acadie appartient au Roi nostre maitre, & qu’en execution de ce traité le feu Roi d’Angleterre, par les dépêches du 1^{er} Aoust 1669, a envoyé ses ordres au Chevalier Temple, pour lors gouverneur de Boston, de remettre l’Acadie entre les mains du Chevalier de Grande Fontaine, & nommément les forts & habitations de Pentagoët, qui en font partie.*” And then they circumstantially recapitulate all the Particulars relating to the Surrender of that Fort, as we have before stated them.

On the 5th of *September* 1698, Monsieur *Villebon*, then the *French* Governor of *Acadia*, in his Letter of that Date to the Lieutenant-Governor of the Province of the *Massachusetts-Bay*, complaining of the Encroachments of the Inhabitants of *New England* upon the Coasts, says (*a*), “*Il m’est aussi expressement ordonné de la part de sa Majesté de maintenir les bornes qui sont entre la Nouvelle Angleterre & nous, qui sont du haut de la riviere de Kennebequi jusques à son embouchure, en laissant libre son cours aux deux nations.*”

Sir *William Phips* having in the Year 1690 (the two Crowns being at that Time at (*b*) War) taken from the *French*, *Port-Royal*, destroyed a *French* Settlement at *St. John’s*, and taken Possession of *Acadia* in the Name of King *William* and Queen *Mary*,

AUTHORITIES.

(*a*) Copy of a Letter from Mr. *Villebon* to Mr. *Stoughton*, Licutenant-Governor of the *Massachusetts-Bay*, dated the 5th of *September* 1698, already communicated to the *French* Commissioners.

(*b*) *Neal’s History of New England*, Vol. 2,

Mary, administering an Oath of Allegiance to the People who remained after the Capitulation; by the 7th and 8th Articles of the Treaty of *Ryswick*, in 1697 (*b*), all Places taken during the War were mutually restored, and the Settlements of Limits was referred to Commissioners to be appointed.

In consequence of this Treaty, *France* entered into Possession of *Acadia* with its former Limits, as is evident from a Passage in *Pere Charlevoix*, in the 17th Book of his History (*c*), where he says, that the *Chevalier de Villebon* “ dans une lettre qu’il écrivit à Monsieur de Pontchartrain le 3^e Octobre 1698, mandoit à ce ministre que les Anglois songeroient à rétablir le fort de Pemquit, & à peupler les deux bords de Kennebequi; qu’il ne croioit pas qu’on dût souffrir ni l’une ni l’autre entreprise; mais que comme il n’avoit pas assez de force pour s’y opposer ouvertement, il trouveroit bien le moyen de les faire échouer en laissant faire les sauvages.”

(*d*) In 1700, the *French* Ambassador made the following Proposal to the Court of *Great-Britain* relating to the Limits between the *French* and *English* Territories in *North America*, contained in a Paper intitled, “ Alternatives proposées pour servir de limites dans l’Amérique entre la France & l’Angleterre, viz. Par la première alternative je propose que la France garde le fort de Bourbon, & Angleterre celui de Chichytowan, ayant de part & d’autre pour limites entre les deux

AUTHORITIES.

(*b*) Corps diplomatique, Tom. 7. Partie 2. page 400.

(*c*) *Pere Charlevoix*, page 235.

(*d*) Copy of a Letter from Mr. Secretary *Vernon* to Lord *Lexington*, with a Paper of Alternatives proposed by the *French* Ambassador, dated 29 April 1700, already communicated to the *French* Commissioners.

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“ deux nations de ce côté là, qui est justement à
 “ moitié chemin entre les deux forts susdits ; & en ce cas là
 “ les limites de la France du côté de l'Acadie seroient restraintes
 “ à la rivière St. George.”

“ Par la seconde alternative je propose que le fort de Chichy-
 “ towan reste à la France, le fort de Bourbon à l'Angleterre,
 “ aiant pour limites le même endroit dont je viens de parler
 “ ci-dessus ; mais en ce cas l'on demande, que les limites de la
 “ France du côté de l'Acadie s'étendent jusqu'à la rivière Kinne-
 “ bequi.”

It does not appear, that any Boundary was settled in consequence of this Offer ; but the former of these Proposals implies, that it was the Opinion of France in 1700, that the Western Limit of *Acadia* extended beyond the River *St. George* ; and the latter, in Confirmation of our Interpretation of the first, makes the Western Limit of *Acadia* extend as far as to the River *Kennebeck*.

A War breaking out between the two Crowns in 1702, General *Nicholson* sailed in 1710, from *New England*, with a considerable Force, and having laid Siege to *Port-Royal* (now *Annapolis-Royal*) the only Fortrefs then left standing in *Nova Scotia* or *Acadia*, Monsieur *Subercaise*, then Governor of *Acadia* for the Crown of France, capitulated and surrender'd, (a) and immediately after that Surrender quitted *America* : And in a Paper, whereby he obliges himself to procure Passports to *Old England* for the Officers who were to conduct him to *Old France*, he styles himself, “ Gouverneur de l'Acadie
 “ de

AUTHORITY.

(a) Copy of Articles of Capitulation dated 2d October 1710, already communicated to the French Commissioners.

“ de Cap Breton, Isles & terres adjacentes, depuis le Cap de Ro-
 “ ziers du fleuve St. Laurent, jusqu'à l'ouverture de la riviere de
 “ Kennebecqui (a).”

(b) Propositions for Peace having being made on the Part of France in April 1711, it was proposed, among other preliminary Demands of Great-Britain, that Great-Britain and France should respectively keep the Countries, Territories, and Dominions which each of them should possess in North America, at the same Time the Ratifications of the proposed Treaty should be published there.

In Answer to which Article, it is proposed in his Most Christian Majesty's Answer to these Preliminaries, dated the 27th of September, O. S. following, that this whole Matter should be referred to a general Conference. The preliminary Articles were signed on the ^{27 September}_{8 October,} 1711 (c).

In the Queen of Great-Britain's Instructions to her Plenipotentiaries at the Treaty of Utrecht, dated the 23d of Sept. O.S. 1711, her Majesty directs them to demand (d), that his Most Christian Majesty should quit all Claim or Title by Virtue of any former Treaty or otherwise, to the Country called Nova Scotia, and expressly to Port-Royal, otherwise Annapolis-Royal.

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In

AUTHORITIES.

(a) Copy of this Paper, dated 23d of October 1710, already communicated to the French Commissioners.

(b) Copy of Offers of France to England, preliminary Demands of Great-Britain, &c.

(c) Memoires de Lamberti, Tome 8. page 684.

(d) Copy of Queen Anne's Instructions to the Lord Privy Seal and Earl of Strafford, already communicated to the French Commissioners.

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In a Memorial from Mr. *St. John*, one of her Majesty's principal Secretaries of State to Monsieur *de Torci*, his Most Christian Majesty's Minister, dated the 24th of *May*, 1712, it is proposed that his Most Christian Majesty should yield *Nova Scotia* or *Acadia*, according to its ancient Limits (*a*). To which it was answered (*b*), that his Most Christian Majesty offered to leave to *England* the Artillery and Ammunition of *Placentia*, the Isles adjacent to *Newfoundland*, to forbid the *French* the Liberty of fishing, or drying of Cod-fish upon the Coasts of that Island, and also upon that Part called the *Petit Nord*; to make a Cession of the Isles of *St. Martin* and *St. Bartholomew*; if the Queen of *Great-Britain* would consent to restore *Acadia*, of which the River *St. George* should, in that Case, for the future, make the Boundary, as the *English* had sometimes pretended.

This Offer, with little Variation, is repeated on the 18th of *September* 1712 (*c*), in which it is said, if the Queen would restore *Acadia* to the Crown of *France*, the Crown of *France* would consent to make the River of *St. George* the Boundary. Neither of these Offers being accepted, *Nova Scotia* or *Acadia* was ceded to *Great-Britain*, by the 12th Article of the Treaty of *Utrecht*, in the following Words.

“ Dominus

AUTHORITIES.

(*a*) Copy of Mr. *St. John*'s Memorial to M. *de Torci*, already communicated to the *French* Commissaries.

(*b*) Copy of the *French* King's Answer, ditto.

(*c*) Copy of the Offers of *France* to *England*, &c. ditto.

“ Dominus Rex Christianissimus, eodem quo pacis præsentis
 “ rati habitationes commutabuntur die, Dominæ Reginæ Magnæ
 “ Britannæ litteras tabulasve solennes & authenticas tradendas
 “ curabit, quarum vigore insulam Sancti Christophori per sub-
 “ dito Britannicos sigillatim dehinc possidendam, Novam Sco-
 “ tiam quoque, sive Acadiam totam, limitibus suis antiquis com-
 “ prehensam, ut & Portus Regii urbem, nunc Annapolin Regiam
 “ dictam, cæteraque omnia in istis regionibus quæ ab iisdem
 “ terris & insulis pendent, unà cum earundem insularum, ter-
 “ rarum, & locorum dominio, proprietate, possessione, & quo-
 “ cumque jure, sive per pacta, sive alio modo quæsito, quod
 “ Rex Christianissimus, corona Galliæ, aut ejusdem subditi qui-
 “ cumque ad dictas insulas, terras, & loca, eorumque incolas,
 “ hætenus habuerunt, Reginæ Magnæ Britannæ ejusdemque
 “ coronæ in perpetuum cedi constabit, & transferri, prout eadem
 “ omnia nunc cedit ac transfert Rex Christianissimus idque
 “ tam amplis modo & formâ ut Regis Christianissimi subditis
 “ in dictis maribus, sinubus, aliisque locis ad littora Novæ Sco-
 “ tiæ, ea nempe quæ Eurum respiciunt, intra triginta leucas in-
 “ cipiendo, ab insulâ vulgò Sable dictâ, eâque inclusâ, & Afri-
 “ cum versus pergendo, omnis piscatura interdicatur.”

From this historical Summary of authentick Facts, it necessarily and clearly results, first, that all Proofs of earliest Discovery, and Arguments drawn from it in Support of original Title, can have no proper Place, or any Weight in the present Discussion; the Treaty of St. Germain having in 1632 interposed, and decided upon all such Pretensions. Secondly, it appears from the Order of the Court of France to Monsieur Razilly in 1633, for accepting the Restitution of Acadia, that though Acadia was restored to France by the Treaty of St. Germain in 1632, without any Delineation of

*Proofs result-
ing from the
History.*

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Limits, *France* actually took possession of the whole Country from *Pentagoet* to the River *St. Laurence*, in consequence of that Treaty, as *Acadia*; with which Limits she could then take it upon no Pretence but their being the ancient ones, and with which she possessed this Country uninterruptedly till the Year 1654; and lastly, that the Crown of *France* did, by taking Possession of *Acadia* in this Extent, in consequence of so *indistinct* a *Cession*, determine at that very Time, as far as she could on her part determine, the Point upon the ancient Limits of this Country, and establish those to be the ancient Limits which *Great-Britain* now claims as such.

It results, from the Demand made at the Court of *London* by *France* in 1654, to have the Forts *Pentagoet*, *St. John's*, and *Port-Royal* restored to her as Forts in *Acadia*, which had been taken from her by the *English*, that the Court of *France* preserved the same Notion of the Limits of *Acadia* in 1654, that she had acted upon, and established, as her Notion of the Limits in 1632.

The Limits with which *France* claimed the Restitution of *Acadia* by her Ambassador at *London*, Monsieur *d'Estrades*, and the Manner in which he refers to the Restitution made by the Treaty of *St. Germain*, and the Extent of Country of which *France* came into Possession in consequence of the general Cession of that Treaty, prove the Crown of *France* to have retained her first Notion of the Bounds of *Acadia* in 1662, which were then adjudged to be *Pentagoet*, and the River *St. Laurence*.

The Difference of Opinions which arose upon the Limits of *Acadia* in 1668, the Manner in which that Difference was determined between the two Crowns, and the Possession taken a second time by *France* of the whole Country, from *Pentagoet* to the Southern Bank of *St. Laurence*, by the 10th Article of the Treaty

Treaty of *Breda*, which Treaty refers for the precise Extent of *Acadia* (the only Country restored by that Treaty) to the former Possession of it, plainly demonstrate, that in 1670 *France* still assigned the same ancient Limits, and received that Extent of Country as *Acadia* which *Great-Britain* now claims.

The several Claims cited from the Memorials of the Court of *France*, and her Ambassadors at *London*, and the Complaints made by the *French* Governors in *North America* of Encroachments made by the *English* on the true Limits of *Acadia*, between the Year 1670, and the Year 1700, fully shew *France* to have retained her first Determination of the ancient Boundaries of *Acadia* to the Year 1700; and the Instrument of Agreement between Messieurs *Subercaise* and *Nicholson* at the Surrender of *Port-Royal* in 1710, proves *France* to have preserved the same Notion of *Acadia* till the Moment it was taken from her.

The Treaty of *Utrecht* cedes *Nova Scotia*, or *Acadia*, to *Great-Britain* in a much more precise Manner than either of the former Treaties ever transferred it to *France*, not only, “*cum limitibus suis antiquis*,” but after having specified *Annapolis*, it adds, “*cæteraque omnia quæ ab iisdem terris & insulis pendent*,” “*unà cum earundem insularum, terrarum, & locorum dominio*,” “*proprietate, & possessione, & quocumque jure, sive per pacta, sive alio modo quæsito, quod Rex Christianissimus, corona Galliæ, aut ejusdem subditi quicumque ad dictas insulas & terras hæctenus habuerunt*.”

It is clear from the Manner of drawing up this Article, that *Great-Britain* had it then in her View to exclude every Sort and Foundation of Right *France* had ever acquired to *Acadia*; for unless *Great-Britain* had been sensible there was a Necessity of guarding

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guarding against a future Misinterpretation of this Article, she would have been contented with the common Expressions to be found in Treaties upon like Cases, and not have taken so much Pains to take in every Species of Title *France* has ever had to this Country, expressly enumerating all Rights to be derived “pro-
 prietate, possessione, & *quocumque jure*, sive per *pacta*, sive *alio*
 modo quæsito, quod Rex Christianissimus & subditi ejus hæte-
 nus habuerunt ;” and it is as certain, from the same Observa-
 tion, that *France* herself meant to cede as *Acadia*, the same
 Country which she had ever possessed as such by Virtue of any
 Treaty.

The several Memorials passing between the Ministers of the two Crowns at the Opening of the Congress, and during the Course of the Negotiation, and the Queen of *Great-Britain's* Instructions to her Ambassadors, do also shew that *Great-Britain* meant to have *Acadia* ceded to her in its full Extent. The Endeavours of the Crown of *France* to avoid the Cession of it, and above all, the Offers made by *France*, not only of an Equivalent in other Circumstances, but to consent to restrain the Limits of *Acadia* to the River *St. George*, if *Great-Britain* would restore that Country to *France*, prove what *France* thought of the ancient Limits of *Acadia*, at the very Time of this Treaty ; and all these several Evidences taken together, and fairly construed, undeniably demonstrate, that the Limits which his Majesty the King of *Great-Britain* now claims, as the ancient Limits of *Acadia*, are, besides being conformable to the ancient Historians of *America*, the same as those with which *France* received *Acadia* in 1632, when she could only take it according to its ancient Limits in 1670, after a long Discussion ; the same which *Great-Britain*

Britain meant to provide for, and *France* meant to cede by the Treaty of *Utrecht*; and those which are most carefully and particularly stipulated in the 12th Article of that Treaty.

We might here observe, after having thus authenticated the Possessions taken of *Acadia* by *France*, in consequence of the Treaty of *St. Germain* and *Breda*, how continually new and effectual Answers arise additional to those which have been already given in the first Part of this Memorial, to the several Distinctions which the *French* Commissioners have made, sometimes upon the Authority of Maps, at other Times of Historians, and by the Means of little immaterial Expressions in the *French* Commissions of Governors, between the South-eastern Parts of the Peninsula, and the Western Parts of *Acadia*; for the whole Country which they argue not to have been *Acadia* in 1647, but one of the *Pâis circonvoisins*, was received by *France* in 1632, as Part of *Acadia* itself; and all that Tract of Country which they have sometimes tried to prove was the Province of the *Grande Baye de St. Laurent*, and that which they make a Part of *New France*, and that which they annex to *Canada*, were all of them, after the Discussion of 1662 and 1670, restored to *France*, not only as Part of *Acadia*, but as Part of that same *Acadia* which she had before enjoyed.

We might also remark how near these Distinctions are in Point of Time to the very Treaties which confute them, and how different not only the Opinion of the Crown of *France* is now from what it appears to have been in the Years 1632 and 1667, but that every Argument in the *French* Memorial, and every Fact now urged by them, is most clearly confuted by the better Reasoning of the Crown of *France*, upon the same Point at another Time; and by the Candour and Spirit of Justice with which *Great-Britain* then acknowledged to her

great

Acadia.

great Disadvantage, the Truth of those Arguments and the Equity of that very Claim which she now brings. But this would lead us again into the Consideration of Points already settled, and the King of *Great-Britain* is not desirous of pressing any Advantages he may have in this Discussion, farther than is necessary for the Discovery of Truth, and the Support of his own Right.

We shall now proceed to answer such Objections as the *French* Commissaries have made to the System we have just established, and the Authorities upon which it is founded.

Letters
Patent of
King James I.

The *French* Commissaries in the 5th Article, and other Parts of their Memorial, having made several Objections to the Arguments drawn by us, in our former Memorial, from the Letters Patent of King *James I.* in 1621 (a), granting the Country of *Nova Scotia* to Sir *William Alexander*, it is necessary for us to be particular in our Answer to these Objections; having first reminded the *French* Commissaries, that the only Purpose for which we cite these Letters Patent at all, is to shew the Rise of the Name of *Nova Scotia*, and the Country which has by *Great-Britain* been understood to be included within it. The first Exception taken by the *French* Commissaries to this Patent is, that the Lands contained within it being at the Time of the Grant in the Possession of the *French*, the Patent became void in itself upon that Condition in it, which, as they alledge, makes it necessary that no Lands to be possessed in consequence of that Grant should be occupied by

AUTHORITY.

(a) Copy of the Grant of *Nova Scotia* from King *James I.* to Sir *William Alexander*, dated 10 September 1621, heretofore communicated to the *French* Commissaries.

by Inhabitants who cultivated them; which Objection seems to have been founded upon a Mistake of the Words of the Patent, in which King *James*, after having expressed his Sense of the publick Utility arising from the Establishment of Colonies, adds these Words, “*Præsertim si vel ipsa regna cultoribus, prius vacua; vel ab infidelibus quos ad Christianum converti fidem & Dei gloriam interest plurimum incesse fuerint.*” These are the Words upon which the *French* Commissioners found their Objections, though nothing can be more clear in Construction, than that they are only expressive of a Circumstance which, where it happens, make Settlements in foreign Countries additionally beneficial to Mankind, and imply no Condition at all. The Word *Præsertim*, which takes up the Sense of the foregoing Part of the Patent, can be construed upon the Authority of the *Latin* Language, in no other Sense than *especially*; and then this whole Paragraph will only carry the Sense of the former a little farther, and be a Specification of some Advantages not mentioned before, arising from Undertakings of this Sort.

They afterwards alledge, that if no such Condition had been contained in the Grant, it would nevertheless have been void, the *French* having settled within it upon the Lands granted to the *Sieur de Monts* in 1603, by the Letters Patent of *Henry IV.* That no *English* Settlements were ever made in consequence of this Grant. That the *Nova Scotia* granted by King *James I.* is merely ideal, and had no Existence till the Treaty of *Utrecht*; and lastly, that *France*, never having possessed any Country under the Name of *Nova Scotia*, could not mean to cede any Country under that Name at the Treaty of *Utrecht*, but what was included within the Words, “*Acadium totam limitibus suis antiquis comprehensam.*” These Objections may very easily be answered.

Acadia.

As to the Grant being void, as containing Lands then settled by the *Sieur de Monts*, if it was a Point worth contending for, it could be easily proved, that what they call the Settlements of the *Sieur de Monts*, was nothing more than a cursory Usurpation in Opposition to the Right of the Crown of *Great-Britain*.

And it is evident from *Champlain*, part 2, page 267, in which he say, “*Les Anglois, qui n’y avoient été que sur nos brisées, s’étant emparés depuis dix à douze ans des lieux les plus signales, même enlevoient deux habitations, savoir celle du Port-Royal, où étoit Poitrin-court, où ils son habitués de present.*” That the *English* did make Settlements in consequence of this Grant: For the Memorial from which this Passage is taken was presented at *London* in 1631, in which he says, that the *English* had made Settlements in *Port-Royal* ten Years before the Date of that Memorial, which will place them in the Year 1621, the very Year in which King *James* made this Grant. It is also remarkable, that there remain at this very Day the Ruins of a Fort built at that Time, at the Entrance into the *Baſon*, which preserve the Name of the *Scotch Fort*.

It is a little difficult to know in what Sense the *French Commissioners* would be understood, when they say that *Nova Scotia* had no Existence antecedent to the Treaty of *Utrecht*. If they mean only that *France* did not call that Country by that Name, it is true; but *Nova Scotia*, descriptive of some Country, certainly had its Existence before that Treaty, not only in the Letters Patent of King *James I.* but in all the *English Maps* from 1625 to 1700, and in *Laet’s History (a)*, and in the Beginning of the Negotiation preceding the Treaty of *Utrecht*.

Nor

AUTHORITY.

(a) Vide page 18.

Nor indeed is it possible to suppose *France* not to have had an Idea of the Country called *Nova Scotia*, after it had been so frequently mentioned in the best Maps and Histories of *America*, as *Purchas's Pilgrim*, *Laet* and *Champlain*; after the *Sieur Champlain* had solicited the Restitution of it at the Court of *London* in 1631, under that very Name; after the Transaction in 1668, when the Country called *Nova Scotia* by *Sir Thomas Temple* was determined to be within *Acadia*, by *Great-Britain*, in compliance with the Demands of the Crown of *France*; and when this very Name of *Nova Scotia* had been used in the very first preliminary Proposals preceding this Treaty of *Utrecht*. As to the Words, "five *Acadium*" "totam limitibus suis antiquis comprehensam," pretended by the *French* Commissaries to have been inserted by *France* to ascertain the Country of *Nova Scotia*, they appear, upon the Proceedings of the Treaty, to have been added at the Desire of *Great-Britain* herself, and that the Reason of their being inserted at all was to obviate Differences formerly made between these two Countries, and in order the better to comprehend what had at any Time been reputed to be Parts of *Nova Scotia* or *Acadia*. It may not be amiss in this Place to ask the *French* Commissaries, from whence it happens, if it was so necessary for *France* to explain and limit the Term *Nova Scotia*, by the Addition of *Acadia* in one Part of this Treaty, that *France* has risqued the Mention of *Nova Scotia*, without the Addition of *Acadia*, in that Part of the 12th Article which excludes them from the Fishery there appropriated to the *English*?

From these Facts and this Consideration it is evident, that however the *French* Commissaries may affect to treat the

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Words *Nova Scotia* as *un mot en l'air*, it certainly had its Existence very anciently in Maps and Historians; that the publick Negotiations between the two Crowns in 1631 and 1667 had made it familiar to *France*, long before the Treaty of *Utrecht*; and that *France* must have understood the Country meant by *Nova Scotia*, at the Time of the Treaty of *Utrecht*, and which she then could have no Difficulty in ceding to *Great-Britain* in the same Clause that ceded *Acadia*, as *Nova Scotia* had at her Request been in 1667 determined to be within *Acadia*, and *Great-Britain* only added the Term *Nova Scotia*, to prevent the old Distinctions being again made between that and *Acadia*, and to secure to herself a full Possession of the same *Acadia*, under the Treaty of *Utrecht*, as *France* acquired by the Treaty of *Breda*, by inserting both the Names, which had ever been given to this Country by the former Proprietors of it.

*Massachusetts
Charter.*

His Most Christian Majesty's Commissioners, in the 33d, 34th, and 35th Paragraphs of their 10th Article observe, that by the Charter granted to the Inhabitants of the Province of *Massachusetts-Bay*, by King *William* and Queen *Mary* in 1691, Power is given to that Government to make absolute Grants of such Lands as they shall think proper, lying to the Westward of the River *Sagadahock*, but that no Grants which they should make of Lands lying between that River and the River *Sainte Croix* were to be valid until confirmed by the Crown; and from this Circumstance attending the latter Grants, they argue that it was not the Opinion in *England*, at the Time of granting this Charter, that *Great-Britain* had any Right to the Lands lying to the Eastward of the River *Sagadahock*,

Having

Reply of the English Commissaries.

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Acadia.

Having afterwards observed that the Country situated between the River *St. Croix* and *Sagadabock* is not called in the Charter by any particular Names, they conclude from thence,

1st, That *England* herself did not comprehend this Country within the Name of *Acadia*, or *Nova Scotia*, though the *English* Commissaries pretend to claim it now by that Name: And 2dly, That this Country was never Part of the Domaine of the Crown of *Great-Britain*; and they add, that if it had been, the *English* would have given it a Name.

The first of these Remarks appears, upon examining the Charter, to have been a Mistake of the *French* Commissaries, which they would not have fallen into, if they had read the whole Charter: For it appears from that Clause in it, which directs that one at least of the Counsellors thereby provided to be yearly chosen for the Province, shall be of the Inhabitants or Proprietors of Lands within the Territory lying between the River of *Sagadabock* and *Nova Scotia*, that at the Time of granting this Charter, many *English* Proprietors were actually settled on the Lands lying between the River *St. Croix* and *Sagadabock* (a). It is also clear from the History of this Country, that this Tract had been settled many Years earlier; but there is no occasion to cite these, as this Clause in the Charter of itself removes the Objection founded by the *French* Commissaries upon it, and their Inference from it, that *Great-Britain* did not then consider this Territory as a Part of its *American* Colonies.

The *French* Commissaries are mistaken when they say that we claim the Territory between *Sagadabock* and *Pentagoet*, under the Name

AUTHORITY.

(a) Charter of the *Massachusetts-Bay*, 1691.

Acadia.


Name of *Acadia* or *Nova Scotia*; for it is in our Memorial made to be a Part of *New England*, belonging of ancient Right to the Crown of *Great-Britain*: And at the same time, as the *French* have never claimed this Country but upon the Pretence of its being Part of *Acadia*, the very Foundation of that Title in former Times proves as clearly the present Right in *Great-Britain*, to whom the whole Country of *Acadia*, as a Part of which the Crown of *France* had laid Claim to the Territory from *St. Croix* to *Pentagoet*, has been ceded by the Treaty of *Utrecht*; and in either Case, *Great-Britain* must have an undoubted Right to that Territory.

*Proceedings
 of Sir Thomas Temple
 in 1668.*

The *French* Commissioners have in the 9th Article of their Memorial made several Observations upon the Conclusions deduced by us from the Manner in which the Distinction made by Sir *Thomas Temple* in 1668, between *Nova Scotia* and *Acadia*, was then over-ruled by the Crown of *England*, and the whole Country then restored to *France* from *Pentagoet* to *St. Laurence*, in consequence of that Clause in the Treaty of *Breda*, which restores *Acadia* alone to *France*, without the Mention of Limits, but only as she before enjoyed it; and they add, that our Proof under this Head destroys our own System. The View with which the *English* Commissioners related this Proceeding on the Objection of Sir *Thomas Temple*, was to shew two Things; first, the mutual Opinion of *France* and *England* at the Time of the Treaty of *Breda*, that the ancient Limits of *Acadia* extended Westward to *Pentagoet*; which is evident, amongst other Instances, from the Manner in which this Distinction of Sir *Thomas Temple* between *Nova Scotia* and *Acadia* was set aside by *Great-Britain*, at the Request of *France*, and *Pentagoet* thereby declared to be in *Acadia*: And secondly, to point out upon the Authority of this Fact, the Reason of inserting the Words *Nova Scotia*,

tia, in the Treaty of *Utrecht* : And how does it appear from either of these Particulars, that the Proof of this Transaction overturns our System, as to the ancient Limits of *Acadia* ? Is it not our System that *Acadia* has always been considered by the two Crowns, as extending from *Pentagoet* to the River *St. Lawrence* ? Does not every Paper and Record in this Transaction prove, that *Pentagoet* was then adjudged to be in *Acadia*, and in this does it not support our System ? But the *French* Commissaries say, that Sir *Thomas Temple* distinguished between *Nova Scotia* and *Acadia*, and that in that Distinction he describes *Acadia* according to the Limits of the *French* Commissaries, and therefore destroys our System, which makes *Acadia* take in what he calls *Nova Scotia*. We have admitted this, and shewn that it is this very Objection made by Sir *Thomas Temple*, that makes the Weight of that Proof so strong, which is drawn from it ; for this Distinction was over-ruled, because both Crowns then agreed in making the ancient Limits of *Acadia* extend Westward to *Pentagoet* ; and therefore the *French* Commissaries in this Objection do but maintain the Error of Sir *Thomas Temple*, which the Crown of *France*, as well as *Great-Britain*, set aside at that Time, as frivolous, and contrary to the true Limits of *Acadia*.

In the 3d and 10th Paragraphs of their 7th Article, the *French* Commissaries object to the Use we make of the Count *d'Esstrades*, whose Letters as cited by us, in their Opinion, deserve no Credit ; first, because he never once speaks of the ancient Limits ; and secondly, because he had, as the *French* Commissaries alledge, very confused Ideas of the Country of *Acadia*. It is at first sight a little unusual, and very remarkable, to find the Commissaries of the Crown of *France* labouring so much to
take

*Letters and
Authorities,
M. le Comte
d'Esstrades.*

Acadia.


take off from the Respect and Weight so justly due to the Abilities and Conduct of the Count *d'Estrades*, upon an Occasion when every Measure he took, every Opinion he advanced, and every Argument he urged in Support of his Opinion, had the Confirmation of the Crown of *France*, and the express Approbation of *Lewis XIV.* when the Kingdom of *France* reaped so much Advantage from the Success of his Negotiation; and his whole Method of reasoning appears upon Examination to be exactly conformable both to the Opinion of *France* in all preceding Transactions relative to *Acadia*, and to the Conduct of *France* upon every subsequent Occasion, where she expresses herself upon the Limits of *Acadia*. We will examine how far the Reasons assigned by the *French* Commissaries for this Manner of treating the Authority of the Count *d'Estrades* are just: And first, as to their Observation that he has never once mentioned the ancient Limits of *Acadia*, the *French* Commissaries must mean this Observation in a strictly literal Sense, and can have no further Authority for their Remark, than barely that he has not made use of the Word *ancient* in speaking of the Limits of *Acadia*. This Observation is very true, and very easily answered, by reminding the *French* Commissaries, that at the Time of the Count *d'Estrades's* Negotiation, no Distinction had been then raised between the *constant* and the *ancient Limits of Acadia*; which is sufficient to explain his not having been so careful to keep up that continual Use of the Word *ancient* in speaking of the Limits, which we have been forced to do, in Compliance with the Distinction which has since been made by the Crown of *France* between the Bounds which *Acadia* *anciently* had, and those which it *always* had as far back as they can be traced. But though the Count *d'Estrades* never uses the
 Expression

Expression of *ancient Limits*, which we have shewn was not an Expression at all necessary to his Purpose, yet he has shewn what the Crown of *France* thought to be the ancient Limits, and ever received as such, as fully as if he had spoke of them in direct Terms. The *French* Commissioners themselves have fixed upon no precise Point of Time, at which the *ancient Limits* are to be decided; but only endeavoured to shew that they are to be looked for in Times previous to the Treaty of *St. Germain*; and the Count *d'Estrades* in his Reasoning with the *English* Commissioners in the Presence of *Charles* the Second, of which he gives an Account in his Letter of the 13th of *March* 1662 (a), seems to have gone upon this very Plan; for he there mentions *Pentagoet*, *St. Croix*, and *Port-Royal*, as Forts in *Acadia*, which were taken 1629 from the *French* by the *English*, and restored to *France* by the Treaty of *St. Germain* under the general Cession of *Acadia*: By which two Facts he meant to prove, first, that *Acadia* had always and *anciently* extended to *Pentagoet*; and secondly, that it was for this very Reason that this Fort and *St. Croix*, as well as *Port-Royal*, passed to the Crown of *France* under the Name of *Acadia* in 1632. In what Sense do the *French* Commissioners understand that Paragraph in another Part of this Letter, in which he says, "Pentagoët qui est la premiere place de l'Acadie?" Could he mean that it was made so by the Treaty of *St. Germain*? That Treaty draws out no Limits at all.—The Count *d'Estrades* on the contrary speaks of *Pentagoet* as the ancient Western Limits of *Acadia*, in Sense, though not in express Terms;

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and

AUTHORITY.

(a) Lettres de M. d'Estrades, Tom. 1. p. 288 & 9.

Acadia.

and accounts for its having been included in the Restitution after the Treaty of *St. Germain*, by its being the first Place in *Acadia*. In this he is supported by the ancient *French* Historians, the Commissions of the Crown of *France* to her earliest Governors, and the Proceedings of *France* consequential of the Treaty of *St. Germain*; all of which perhaps that diligent Ambassador, so indefatigable and experienced in Business, and so zealous of his Master's Rights, had carefully consulted before he gave his own Opinion.

The Instance brought by the *French* Commissaries to prove that the Count *d'Esstrades* had confused Ideas of the Country of *Acadia*, is taken from a Passage in one of his Lettres, in which he says, that the Coast of *Acadia* from *Pentagoet* to *Cape-Breton* contained only 80 Leagues; which Passage proves that he had a precise Idea of the Limits, however he might be mistaken in the *Distance* of these two Places, and the Extent of the Coast between them. But perhaps he was not mistaken in the Extent; for if the Sea-Coast be understood to be that Part of *Acadia* which lies between *Cape-Sable* and *Cape-Canseau*, and it very properly may be called so exclusively of the Bay of *Fundy*, which begins at *Pentagoet* and ends at *Cape-Sable*, and between which no Coast can well be computed, then the Count *d'Esstrades* will have given almost the same Description of the Coast of *Acadia* as all Geographers and the best Pilots have done, who compute it about 80 or 90 Leagues. This Interpretation of the Count *d'Esstrades* will seem the more probable and just, if it be recollected that in the very same Letter he says that there are many commodious Harbours on this Coast, which is true only of the Coast
from

from *Cape-Sable* to *Cape-Canseau*; for the Navigation of the Bay of *Fundy* is remarkalby dangerous; but if this was not so, surely the *French* Commissaries will not assert that no Credit would be due to Count *d'Esstrades* upon this Matter, if at the same Time that he particularly marks the ancient Limits of *Acadia* by Name, which was all he had Occasion to know or to prove, he had appeared to mistake the Extent of the Country. Would such an Error prove he did not think *Pentagoet* the Western Boundary, contrary so his express Words? Such an Error might destroy the Credibility of a Geographer or Pilot, or bring the Truth of a Map into Doubt; but it seems to be an insufficient and a very particular Objection to make to the Authority of an Ambassador.

The *French* Commissaries do indeed alledge one more Instance to prove how irregular and inconsistent Notions Count *d'Esstrades* had of the Limits of *Acadia*, and it is taken from his Letter to the King, dated the 27th of November 1664; in which, as the *French* Commissaries suppose, he makes *New York* as Part of *Acadia*. Upon turning to this Letter we find, that the *French* Commissaries have entirely mistaken every Word in it, for in that Letter he relates a Conversation which had passed between M. *de Witt* and himself; and this Error, of making *New York* a Part of *Acadia*, is the Error of M. *de Witt*, and not of the Count *d'Esstrades*. We are perswaded the *French* Commissaries will agree with us in this, if they read the Letter they have cited, once more; for the Turn of the Letter is too plain, and the Count *d'Esstrades* has been too careful to separate his own Share of this Conference from M. *de Witt's*, to leave any Doubt of this Kind upon it.

We shall now proceed to examine those Arguments, upon

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which

*Proceedings
previous to the
Treaty of
Utrecht.*

Acadia.

which the *French* Commissioners have endeavoured to prove, that our Evidence for enforcing the Intention of the Parties, and the Sense of the Treaty of *Utrecht*, by the Citation of the Memorials, and the Correspondence which passed during the Negotiation, is inconclusive. In the second Paragraph of the 11th Article in their Memorial, they say, “ On pourroit répondre en général, “ que ce qui a précédé un traité ne décide point de l’étendue “ des stipulations qu’il renferme ; il est censé que chacune des “ parties contractantes a porté ses demandes le plus loin qu’il “ lui a été possible, & l’on ne doit avoir égard qu’à ce qui “ a été conclu définitivement d’un commun accord.” We are not much surprized to find the *French* Commissioners endeavouring to set aside all Evidence to be drawn from the Proceedings cotemporary with the Treaty of *Utrecht*, because that Evidence is capable of being so much used in Support of that Construction which we put upon the 12th Article of it ; but as this Principle is here laid down as the Foundation of every Argument which is afterwards urged under this Head, it may be proper to shew the Weakness of it as a general Principle applied to this particular Case. *France* ceded to *Great-Britain*, by the 12th Article of the Treaty of *Utrecht*, *Nova Scotia*, or all *Acadia* with its ancient Boundaries ; a Dispute has since arisen upon those Boundaries ; a very uniform Course of convincing Evidence has been brought to shew what have ever been esteemed the ancient Limits, and have passed by Treaties as such. To make the Point still more clear, we have shewn from the Memorials of *France*, during the Negotiation, what *France* then thought to be the Limits of the Country she afterwards ceded ; and the *French* Commissioners now object to this Manner of arguing, from
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what *France* in the Course of the Treaty declared were the Limits of *Acadia*, in Opposition to the different Limits which the *French* Commissaries now assign as the Limits meant by that Treaty. Would they really mean by this, that the very Words which raise a Doubt must always be the only Way for settling it? That the Opinion or Intention of any Crown is not to be judged of from her most publick and solemn Declarations of it? Or that in this Case, the shewing what *France* declared to be the ancient Bounds but a little before she signed the Treaty, is not a sufficient Way of proving what she thought the Limits of the same Country at the Time of her signing it? Having shewn by other Authorities what have ever been esteemed the ancient Limits of *Acadia*, and passed as such by Treaties and in the Judgment of the two Crowns for above a Century back, we thought if we could prove that *France*, at the very Time of the Treaty of *Utrecht*, on which this Dispute arises, considered the Country as having the very Limits we now claim, and as such meant to cede it, that this would be no small Confirmation of our former Reasoning. It was with this View we cited those *French* Memorials at the Negotiation preceding the Treaty of *Utrecht*, in which the Crown of *France* offers to restrain the true Limits of *Acadia* to the River *St. George*, as a Proof that *France* then thought *Acadia* extended even beyond that River: And we are still of Opinion, that this Irreconcilableness of the present Pretensions of *France*, with her express Declarations in 1713, upon the ancient Limits of *Acadia*, is a Circumstance destructive of the present System of the *French* Commissaries, which would thence seem to be a System invented

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invented since the Treaty of *Utrecht*, directly contrary to the Spirit of that Treaty, and the View of the two Crowns at the Time.

As to the second general Principle laid down by the *French* Commissioners to aid and strengthen the former, namely, that all Cessions should be construed in Favour of the Nation who cedes, it seems to be very little founded in Justice, Expediency, or Practice. But if it was founded in all, what would the *French* Commissioners infer from it? The Treaty of *Utrecht* ceded *Nova Scotia* or *Acadia* to *Great-Britain* with its ancient Limits; those are now ascertained; it is also proved what Limits *France* meant to cede it with, and that they were those *Great-Britain* now claims: And will the *French* Commissioners argue, that, because it is *France* which makes the Cession of *Acadia* in the Treaty, that therefore she may now, upon raising a Doubt upon the ancient Limits, assign any Limits she pleases; and that those are to be accepted merely upon so very lax a Maxim as this, that all Cessions in Treaties are to be construed in Favour of the Party who made them? Can the *French* Commissioners find any Maxim in Law or Equity which says, that a subsequent Doubt in any Nation, upon the Words of a Cession she has herself made in a former Treaty, shall be admitted to set aside the natural Meaning of the Words of that Treaty, supported by her own Declarations at the Time of making it? It is usually held, that in such case the latter Doubt should be explained and determined by the former Declaration; and we are confident, that if these two Principles advanced by the *French* Commissioners should ever become the Positions of all Nations, they would be subversive of all publick Faith, and publick Treaties;

Treaties; instead of being the Instruments of general Peace, would, upon this Method of Interpretation, become themselves the Sources of a continual War.

The *French* Commissioners have drawn an Argument from the Proposal made by *Great-Britain* in 1711, to shew, that if the Proposal of the Queen (that each Nation should retain whatever it should possess in *North America* at the Time of the Ratification of the Treaty) had been made the Rule of the Treaty, the *English* would have acquired nothing by the Treaty but *Port-Royal*, of which alone they were in Possession, and the rest of *Acadia* would have remained in Possession of *France*. It does not seem to be very necessary to argue conjecturally what would have been the Effect of the Treaty of *Utrecht*, supposing it to have been settled differently from what it is; but if the *French* Commissioners will consider the Effect of the Surrender of *Port-Royal* by Monsieur *Subercaise*, they will admit that the taking the chief Fortresses of a Country is the only possible Way of taking a Country itself: And if they look into the Correspondence passing between the two Crowns in the Negotiation, they will find that *Great-Britain* always thought herself, and that *France* esteemed *Great-Britain*, in actual Possession of the whole Country of *Acadia*. It is impossible for any Kingdom more effectually to take Possession of any Country just taken from the Enemy, than *England* took of *Acadia* in 1710; nor was ever any Nation thought to be more effectually possess'd of any conquered Province, than *England* appears to have been of *Acadia*, by the Crown of *France* during the Treaty of *Utrecht*. To cite Instances of this from the Expressions in the Memorials of both Crowns would be endless; and we can venture to say, that the *French* Commissioners cannot refer to one which is not a Proof of it.

*Proposal of
Great-Bri-
tain in 1711.*

Acadia.

France's
Offers of an
Alternative
in 1712.

The *French* Commissaries have made an Objection to the Proof we have drawn from the King of *France's* Offers of an Alternative in 1712, which we cannot in any other Place so properly answer as in this. The Fact stands thus: *Great-Britain* having insisted upon the Restitution of *Acadia*, with its ancient Limits; *France*, very unwilling to make a Cession of that Country, proposed an Equivalent to *Great-Britain*, in which, among other Inducements, she offers to restrain the Limits of *Acadia*, if *Great-Britain* will restore it to her, to the River *St. George*; from which last Circumstance the *English* Commissaries have inferred, that *France* then thought the ancient Limits of *Acadia*, which she now confines to the South-east of the Peninsula, extended Westward beyond the River *St. George*. To which the *French* Commissaries answer, that it was the *then* Limits of the Government of *Acadia*; *France* offer'd to restrain to the River *St. George*; and that nothing can be infer'd from this Offer in a Case which did not take place, to shew with what Limits *France* meant to cede *Acadia* as its ancient Limits by the Treaty of *Utrecht*. Does it not undeniably appear from this Offer of the Crown of *France* to restrain the Limits of *Acadia* to the River *St. George*, that *France* then thought the Western Limits of it extended beyond that River? Can Words express any Opinion more explicitly than this Offer expresses the Sense of the Crown of *France*? Can *France* in this Proposal be supposed to speak of any but the ancient Limits? Is not the confining the Western Limits of *Acadia* to the River *St. George* itself in this Offer proposed by *France* as a Departure from the larger, and what *France* deemed the true Limits of *Acadia*? And does not this Offer, consider'd in this its true Light, clearly prove the only Thing in Proof of which it was cited by the *English* Commissaries; namely, that at the Treaty of *Utrecht* the

the Crown of *France* considered the ancient Limits of *Acadia* as extending beyond the River *St. George* Westward? If it proves that, it confutes, upon the Authority of the Crown of *France* herself, what the *French* Commissioners argue to have been the *Acadia* meant to be ceded by *France*, and shews how little Foundation there is for saying the *Acadia* ceded by *France* at the Treaty of *Utrecht* is to be construed only to be the South-eastern Part of the Peninsula, or the whole Peninsula merely.

The real State of the Case is easily seen. *France* in 1712 thought *Acadia* and its Bounds what we in 1632 made her Bounds; what in 1667 she reclaimed and received as such, and therefore dreaded the Surrender of so extensive a Country: Her Desire to recover it, naturally made her offer every Method of Accommodation; and reducing the Bounds of the Country she wanted to get restored, was to offer a plausible Inducement to *Great-Britain*; but then her Zeal for the Recovery of the Country, and her Offer to restrain the Limits to the River *St. George*, shews how little she thought *Acadia* was the Peninsula merely; how much later than the Treaty of *Utrecht* is the Distinction of *pais circonvoisins*; and how much she foresaw that that very Country from the River *St. George* to the River *St. Laurence* would pass from her by the 12th Article of the Treaty of *Utrecht*, if it should stand as it was then proposed.

The Words of Cession in the Treaty of *Utrecht*, are the very same with those in the Preliminaries of 1712, which drew from the King of *France* his Proposal of an Equivalent; and therefore it is clear from this Uniformity of *Great-Britain*, that whatever *France* feared in 1712 she should cede under the Words "*five Acadiam totam cum limitibus suis antiquis*,"

Acadia.

she actually did cede by the 12th Article of the Treaty of *Utrecht*.

Construction
of the Words
ut & Anna-
polin.

Every Authority we have alledged to prove, that the ancient Limits of *Acadia* extended Westward to *Pentagoet*, and that *France*, at the Time of the Treaty of *Utrecht*, declared the River *St. George* to be within it, is an Answer to the Argument drawn by the *French* Commissaries to shew, upon the Words *ut & Annapolin*, in the 12th Article of the Treaty, that *Annapolis* was not then thought a Part of *Acadia*: And therefore, without going into a Repetition of what we have urged in our Memorial in Answer to this Manner of construing the Article, (to all which the *French* Commissaries have given no Reply) we will here only shew how little the Words themselves admit of the Construction the *French* Commissaries put upon them. The *French* Commissaries have inverted the proper Method of considering those Words; for they have cited the *French* Translation of the original *Latin* as the Original, and then argued upon their Translation as the Original itself; but we will shew, upon the Authority of three Treaties between different States in *Europe*, (to all which the Crown of *France* was a Party at the Time of making them) that neither the words *ut & Annapolin*, or *comme aussi*, in the Treaty of *Utrecht*, can be construed any otherwise than as a Specification of the chief Place within the general Country first named. By the 7th Article of the Treaty between *France* and the *States General*, concluded at *Utrecht* the 11th of *April* 1713 (a). By the 19th Article of the Treaty between the
Emperor

AUTHORITY.

(a) Corps diplomatique, Vol. 8. page 367.

Emperor Charles VI. and the Empire of the one Part, and Lewis XIV. of the other Part, concluded at *Rastadt* the 6th of March 1714 (b). And by the 19th Article of the Treaty between the Emperor Charles VI. and the Empire of the one Part, and Lewis XIV. of the other Part, concluded at *Baden* the 7th of September 1714 (c), the Cession of the *Upper Gueldre* to the King of *Prussia* is either made or recited in general Words; and yet the Towns, Bailiwicks, and Lordships of *Strab-lem*, *Wachtendonck*, *Middlelaer*, *Walbeck*, *Aertzen*, *Afferden*, *Weel*, *Racy*, and *Klein Havelaar*, are afterwards expressly specified, though all these Bailiwicks are Parts of *Upper Gueldre* (d), and therefore were included within the first general Cession. The Words used in these Treaties to specify these particular Parts of the former Grants, are, in the *Latin* Treaty of *Baden*, *uti &*, which in the *French* Translation are rendered *comme aussi specialement*; and in the Treaties of *Utrecht* and *Rastadt*, of which there are no *Latin* Copies in the *Corps Diplomatique*, the Expression is *comme aussi specialement*. From which Instances so directly in Point it is clear, that the *French* Commissaries, by appealing from the original Treaty of *Utrecht* to the Translation of it, have had recourse to an Authority directly against them; for the Words *comme aussi*, which they alledge are never to be found in any Treaty in the Sense we put upon them, are used in that very Sense in each of the three Treaties we have cited, all of which are cotemporary with that Treaty of *Utrecht* in which the Doubt is now raised.

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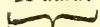
AUTHORITIES.

(a) *Corps diplomatique*, Vol. 8. page 418.

(c) *Idem*, page 439.

(d) *Sanfon* and *Vischer's* Maps of *Gueldre Espagnole* ou *Quartier de Rure-monde*.

Acadia.



The Manner in which *Annapolis* is said to be a Part of *Acadia*, in the Instructions of the Queen to her Ambassadors in 1711, the Manner in which it was demanded by the Queen in the Preliminaries of 1712, not as an Addition to *Acadia*, but as a Place of Eminence in it, (for the Expression there is expressly *Port-Royal*) and its being included as a Part of *Acadia* in the Alternative, and Equivalent afterwards offered by *France* in 1712, in which *France* must be understood to have intended to have had *Annapolis* restored to her, are all Proofs that it was not inserted in the Treaty as a separate Cession from *Acadia*; and we cannot but esteem it fortunate that, in confuting this Argument drawn by the *French* Commissaries from the Words *ut & Annapolin*, for making *Annapolis* distinct from *Acadia*, we are so well able to demonstrate what was the Intention of the two Crowns at the Time of the Treaty, by the Steps of the Negociation, and to establish our Construction of the Words both of the Original and the Translation of the Treaty of *Utrecht*, upon the Authority of other cotemporary Treaties; the very Proof which the *French* Commissaries have specified themselves as the only sufficient one, and which they have called upon us to produce with some Degree of Confidence.

That we may be as short as possible, and clearly understood in our Answer to the Observations made by the *French* Commissaries upon the latter Part of the 12th Article of the Treaty of *Utrecht*, and their Endeavours to make the Limits there assigned to the exclusive Fishery, to be marked as Limits of *Acadia* itself, we will directly transcribe the latter Part of that Article: “ *Id-
que tam amplis modo & formâ ut Regis Christianissimi sub-
ditis in dictis maribus, sinubus, aliisque locis ad littora Novæ
Scotiæ, ea nempe quæ Eurum respiciunt, intra triginta leucas,
incipiendo*

“*incipiendo ab insulâ vulgo Sable dictâ, eâque inclusâ, & Africum
versus pergendo, omnis piscatura interdicatur.*”

Acadia.

We have already shewn in our Answer to that Part of the Introduction which speaks of the Views of *Great-Britain* in the Beginning of the 12th Article, in which *Acadia* is ceded to her, and in the 12th and 13th, by which an exclusive Fishery is appropriated to her on the Coasts there described, as being one and the same, that nothing can be more foreign to the Words of the Treaty, or the Intention of *Great-Britain*, than this Supposition of the *French* Commissaries; and we will now examine the Arguments upon which they maintain this Opinion.

They first observe, that the View of *Great-Britain* in procuring the Cession of *Acadia* was to secure an exclusive Fishery upon the Banks opposite to the Sea Coast; that this View was answered by the Cession of *Acadia* with those Limits which they assign as the ancient ones; and then, supposing in the first place that the Limits of the Fishery must be the same as the Limits of *Acadia*, they add, that there are no other which can be assigned as the ancient Limits, in which *this Fishery and Acadia* can be made to agree. In another Place they observe, “*Qu'en même temps que le traité porte que la cession de l'Acadie avec ses dependances, est faite de la maniere & de la forme les plus amples, il borne l'étendue de cette concession aux côtes qui gissent du nord-est au sud-ouest, le long desquelles il n'est pas permis aux François de pêcher à trente lieues de distance au sud-est; ce qui dans le fait restreint la possession des Anglois aux veritables limites de l'ancienne Acadie.*”

If *Great-Britain* proposed nothing further by the 12th and 13th Articles of this Treaty, as the *French* Commissaries suppose, than merely to secure to her Subjects the exclusive Fishery on the Banks

Acadia.

Banks between *Cape-Sable* and *Cape-Canseau*, for what Reason do the *French* Commissioners imagine that the late *Queen Anne* gave such particular Instructions to her Plenipotentiaries to insist, that *Annapolis-Royal*, which is seated thirty Leagues up the Bay of *Fundy*, should be by Name inserted in the Cession of *Acadia*? Or why do they think *Great-Britain* was so careful to add the Words *Nova Scotia*, and so many other additional Expressions, to prevent the Renewal of any of those Disputes which had ever happened with respect to the Limits and Extent of this Country? The great Utility of such an exclusive Fishery in the Possession of a naval Power, both as a beneficial Branch of Commerce, and a Nursery for Seamen, was a very good Reason for being desirous to secure to *Great-Britain* this exclusive Fishery, a Part of the many Advantages attending the Acquisition of *Acadia*: But then *Great-Britain* had many other additional Motives for desiring the compleat Cession of *Acadia*, by the Acquisition of which alone she could ever hope to guard the *English* Settlements in *America* against perpetual Encroachments, and to avoid a Repetition of those Inconveniencies which obliged *Oliver Cromwell* in the Year 1654, to seize all the *French* Forts in *Acadia*, and which had put the People in *New England*, as well as *Great-Britain*, at different Times, under a Necessity of making frequent Expeditions against this Country, until *Port-Royal* was taken in the Year 1710 by General *Nicholson*. There is also an Inaccuracy attending this Observation made by the *French* Commissioners upon the Words of the Treaty, of which it may not be improper to take notice; for they interpret this Article as if it expressly said, that the Fishery was coextensive with the Limits of *Acadia*, whereas it has guarded against that Interpretation in a most accurate Manner, by having added, after
speaking

speaking of the Coasts of *Nova Scotia* in general, Words which plainly declare the Extent of the Coast there described, to be only a Part of the general Coast of *Acadia*. Had the Article finished at the Words *littora Novæ Scotiæ*, it would hardly have admitted of the Interpretation put by the *French* Commissioners; but if the whole Article be taken together as it really stands, the following Words which the *French* Commissioners have entirely omitted in their Translation, “*ea nempe quæ Eurum respiciunt, intra triginta leucas, incipiendo ab insulâ vulgò Sable dictâ, eâque inclusâ, & Africum versus pergendo, omnis piscatura interdicatur,*” sufficiently confute the Sense which the *French* Commissioners would put upon the former.

The 17th and 18th Paragraphs of the *French* Commissioners 20th Article, are designed to shew from that Provision in the Treaty of *Utrecht*, which separates the Islands situated in the Gulph from *Acadia*, that the Coast from *Cape-Canseau* to the River *St. Laurence*, cannot be in *Acadia*; and they add that the Words *de toutes les isles quelconques* being used in the Treaty, *Great-Britain* cannot now lay claim to any one of them.

*Country from
Cape-Can-
seau to St.
Laurence.*

We have fully proved in this Memorial what have ever been esteemed the ancient Limits of *Acadia*, and passed by Treaties as such; those Limits certainly included the Islands situated in the Gulph; and therefore had it not been for the express Reservation of them by the Treaty, out of the Cession of *Acadia* with its ancient Bounds, they had certainly passed under those Words to *Great-Britain*: And it is very remarkable, that the very Provision referred to by the *French* Commissioners, to shew these Islands never were a Part of *Acadia*, could have been thought necessary upon no Consideration, but that of their being in *Acadia*; for where in Treaties is
the

Acadia.

the Necessity of excepting one Country out of the Cession of another, if it be not a Part of it? And what is the Use of Reservations, but as they except particular Parts out of general Descriptions? And therefore this Reservation is so far from affording any Argument in Support of the System laid down by the Commissioners of *France*, that it incontestibly proves, that all that Coast which extends from *Cape-Canseau* to *Cape-Roziers*, was considered, at the Time of making the Treaty, as Part of *Acadia*.

It is undeniably evident, from the Negotiation preceding the Treaty of *Utrecht*, that *Cape-Breton* was considered both in *Great-Britain* and *France* as a Part of *Acadia*. For if *France* had not been of this Opinion, she would not have been so desirous to reserve to herself *Cape-Breton* out of the Cession of *Acadia*; and the Parliament of *England* sufficiently expressed their Sense upon this Point, when they made it one of their Articles of Impeachment of the Earl of *Oxford*, that he had advised the Queen to make a Cession to *France* of the Isle of *Cape-Breton* with Liberty to fortify the same, although her Majesty had declared from the Throne, that *France* had consented to make an absolute Cession of *Nova Scotia* and *Acadia*, whereof *Cape-Breton* was Part (a).

As to the several Observations thrown together in the 16th and 17th Paragraphs of this Article, they seem to contain a Number of Particulars very true, but very little affecting the Question. *Newfoundland* was certainly one of the Points to be settled by the Treaty, and a separate Object from the Cession of *Acadia*: *Acadia* is certainly not named in that Part
of

AUTHORITY.

(a) State Trials, Vol. 6. page 113.

of the 13th Article, where the Islands are reserved; *Newfoundland* is there certainly ceded to *Great-Britain*, but does it follow from thence, that the ancient Limits of *Acadia* did not include the Islands? Or how do any of these Observations answer the Reason we have assigned for the Reservation being made of these Islands at all? As to the Arguments drawn by the *French* Commissaries from *Cape-Breton*, not being said to be excepted out of *Acadia*, the whole View in the Reservation of *Cape-Breton* was to except it out of the Cession of *Acadia*, within whose ancient constant Limits it had ever been included; and it was as effectually reserved to *France*, without being said to be a Part of *Acadia*, as if it had been called so.

As to the Claim made by the Crown of *France* to the Islands of *Canseau*, founded upon those Words in the Treaty of *Utrecht*, by which all the Islands situated in the Gulph of *St. Laurence* are reserved to *France*, and upon the Proceedings in the Case of the Reprisals made by Captain *Smart* in the Year 1718, his Majesty's Commissaries do insist, and will prove that such a Claim is in no degree to be admitted, either upon the particular Words of that Reservation, or upon the Circumstances of Captain *Smart*'s Case.

*His Majesty's
Right to
Canseau.*

The Arguments urged by the Commissaries of his Most Christian Majesty turn chiefly upon the Difference between the *French* and *Latin* Copies of the Treaty of *Utrecht*. The Words in the *Latin* Copy, are “*insula vero Cape Breton dicta, ut & aliæ quævis tam in ostio fluvii Sancti Laurentii quam in sinu ejusdem nominis sitæ, Gallici juris in posterum erunt.*” The Words of the *French* Copy are, “*mais l'isle dite Cap Breton & toutes les autres quelconques situées dans l'embouchure & dans le golphe de St. Laurent.*”

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The *French* Commissaries, in order to support their Claim, produce and rely upon the *French* Copy of the Treaty, and apply the Word *embouchure* to the Gulph of St. *Laurence*, and not to the River : A Construction which the Words themselves will not admit of, and which is expressly contrary to the true Sense and Meaning of the Words in the *Latin* Copy, where the Word *Ostium* has most plainly a Reference only to the River of St. *Laurence*, and not to the Gulph ; and as the *French* Copy is but a Translation of the *Latin* Original, and the Original admits not of any such Construction, the Construction itself is contrary to the Words and Meaning of the Treaty. But supposing the Word *embouchure* could be applied to the Gulph, yet the Islands of *Canseau* which lie contiguous to the Cape of the same Name, and above five Leagues to the Southward of *Cape-Breton*, cannot be considered to be situated *dans l'embouchure du Golphe de St. Laurent*, which lies between the Islands of *Cape-Breton* and *Newfoundland*, the great Passage to *Canada*.

It appears from the Conferences in the Year 1719, and from the Memorial of the *French* Commissaries of the 21st of *September* 1751, that the Commissaries support their Construction of the Treaty upon the Supposition that there are three several *Embouchures* to the Gulph of St. *Laurence*, and that the narrow Gut or Channel which lies between the *Terra firma* of *Acadia* and *Cape-Breton* is one of them ; which is not only contradictory to the express Words of the *French* Copy of the Treaty itself, where the Word *embouchure* is in the singular Number, but is inconsistent with the *French* Commissaries own Construction of it. But should even this Supposition be admitted, the true Situation of the Islands themselves, which lie at the Distance of not more than half a Mile from the *Terra firma* of *Acadia*, and above five Leagues distant from the

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Entrance of the Gut or Channel between *Acadia* and *Cape-Breton*, evidently shews they cannot be deemed to be included within such a Description. His Majesty's Commissioners however do adhere to the true and genuine Sense of the descriptive Words in the original *Latin* Treaty, by which such Islands only are reserved to *France* as are situated in *Ostio fluvii Sancti Laurentii* & in *sinu ejusdem nominis*; which Words are so clear and plain, that they do not leave the least Room for Dispute, or any Pretence whatever for a Claim on the Part of *France* to the Islands of *Canséau*. His Majesty's Commissioners do insist that these Islands were ceded to *Great-Britain*, by the Words of the 12th Article of the Treaty of *Utrecht*, "*cæteraque omnia quæ ab iisdem terris & insulis pendent.*"

As to the Proceedings in the Case of the Reprisals made by Captain *Smart* in the Year 1718, his Majesty's Commissioners do admit, that Orders were given to Captain *Smart* to cause Restitution to be made to M. *Herribery*, and the other *French* Subjects, of the Goods and Effects he had taken from them at *Canséau*, provided however, that such Restitution was made as a pure Act of Grace and Favour; and that Satisfaction was likewise given to all his Majesty's Subjects on whom any Reprisals had been made by the *French* on Occasion of such Seizure; and that it was signified that such Restitution was not to give *France* any Right or Claim to the Islands of *Canséau*, or the Lands thereunto belonging, but that his Majesty's Right thereto should be and remain as full and intire, and in the same Force and Virtue, as if the said Restitution had never been made.

These Orders however to Captain *Smart*, to make Restitution to M. *Herribery*, were afterwards cancelled and revoked, by a subsequent Order of his Majesty in Council, whereby M. *Herribery's* Suit was dismissed. But his Majesty, in Compassion

Acadia.

to his particular private Suffering, and out of his special Grace and Bounty, ordered 800 *l.* to be given to him out of his Treasury, asserting and supporting his just Rights to the Islands of *Canseau*, by causing a Fort to be erected there with a proper Garrison of his Troops, which Fort and Garrison remained there till the Rupture between the two Crowns in the Year 1744, when it was taken and destroyed by some *French* from *Cape-Breton*.

*Reservation
of Cape-
Breton.*

In the 12th and 13th Paragraphs of the 11th Article the *French* Commissioners represent, that on the 10th of *June* 1712, the King of *France* expressed himself, in answer to an Offer made by *Great-Britain*, that *Cape-Breton* should remain in common to both Nations, extremely disinclined to the Proposal; and his Reasons for it are, that in common Prudence he ought to reserve to himself the only Island which can secure him an Entrance into the River *St. Laurence*, and prevent *Canada* from being lost upon the first Rupture between the two Crowns; from which Answer they infer, that it was the Intention of *France* at the Treaty of *Utrecht*, to preserve a safe Passage to *Canada*; and that nothing can be more opposite to that Intention than to suppose, that *France* designed to make a Cession to *England* of all the Southern Part of the Gulph of *St. Laurence*, and the Southern Bank of the River as high up as *Quebec*. The *English* Commissioners admit, that it was natural for *Great-Britain*, upon not having *Cape-Breton* included within the Cession of *Acadia*, to propose that Island should remain in common to both Nations; that it was as natural in *France* to prefer an exclusive Possession to the Participation of it; that the Reasons assign'd in the King of *France*'s Answer shew he was attentive to this Point, and all these Circumstances are very good Reasons to explain the Reservation of this Island

in the Treaty; but the *French* Commissioners are mistaken if they really think, that the Possession between *Canseau* and the Mouth of the River of *St. Laurence* by *England* is inconsistent with a safe Navigation for *France* to *Quebec*, especially while the *French* have the Islands of *Cape-Breton*, *St. John's*, and the other Islands in the Gulph and Mouth of the River, with the Liberty of fortifying them. The Gulph itself is computed to be in Breadth 135 Leagues, the River is 21; and therefore from the very Nature of these Passages, *France* must ever have a safe Passage to *Canada*, though the Treaty of *Utrecht* was strictly executed as it now stands.

The *English* Commissioners cannot conclude this Head, without expressing a little Satisfaction to find the *French* Commissioners in this Place adopting their Method of enforcing the Sense of the Treaty, by citing the Opinion of *France* at the Time, because in this they establish upon their own Authority, the Propriety and Validity of that Manner of reasoning to which they have occasionally objected in their Memorial as insufficient and unsatisfactory, and in Defence of which the *English* Commissioners have been often obliged to argue in the Course of this Memorial.

The *French* Commissioners having been pressed by us in our Conferences to set forth precisely what they admit to be the Limits of *Acadia*, which they had avoided doing in their two first Memorials, they assert in the 3d Paragraph of the 11th Article of their last Memorial, that the Interior of *Acadia* never had any established Limits; and they add, that the Settlement of an inland Boundary is precisely the Object of the present Negotiation. But we cannot agree with them either in their Sentiment that *Acadia* never had any inland Limit, or that the forming one is the proper Business of the respective Commissioners. The 12th Article of the Treaty of *Utrecht*, which cedes *Novam Sco-*

*Inland Limit
of Acadia.*

tiam,

Acadia.

tiam, or *Acadiam totam*, to *Great-Britain*, according to its ancient Limits, with its Dependencies, implies, that the ancient Limits of that Country were certain; the inland Limits as well as those of its Sea Coast; and the only proper Object of this Negotiation is, to enquire and determine what those ancient Limits are, and not the substituting any new Limit to those referred to by the Treaty of *Utrecht*. As to the Assertion that *Acadia* never had any inland Limit at all, this Opinion seems to have arisen from an Unwillingness to acquiesce in that inland Limit which we have assigned, and an Inability with Authority to find any other. For if the Memorial of the *French* Ambassador in 1685, which makes out the Isle of *Percée* lying near *Cape-Roziers* to be the Northern Limit of *Acadia*; and the Passport of *Monf. Subercaise*, in which the Government is said to extend to *Cape-Roziers*, are such sufficient Vouchers for the modern Limits of *Acadia*, that the *French* Commissioners argue from them, that those Limits cannot be the ancient ones, because they are the modern; why are they not as good Proofs to shew, that the inland Boundary assigned by these is the ancient one, the *French* Commissioners not being able to prove that *Acadia* has ever had any other inland Boundary? The Argument seems to stand thus: We have assigned several ancient and modern Proofs of a Variety of Kinds, and all authentick, that the Country of *Acadia* has always had, as far back as we can trace, the Southern Bank of the River *St. Laurence* for its Northern and inland Boundary: The *French* Commissioners object to these Proofs, as being descriptive only of what they call the modern Limits, and at the same Time they neither draw the Line between what is ancient and modern Authority, nor shew any Time, previous to the Authorities we have produced, in which any other inland Limit has been assigned. We have given a Series of Proofs
from

from *Champlain*, from the first Commission of the *Sieur Charnisay*, and the second in 1647, from the first Commission of the *Sieur de la Tour*, and his second in 1651, from *Monfieur Denys*, and from the Possessions taken by *France* under the Treaties of *St. Germain* and *Breda*, that is, from the Year 1605 down to 1670, and from thence to 1710, all of which prove upon the Authority of Historians, the Commissions of the *French Government*, and the Operations of Treaties, and other authentick Acts of State, that *Acadia*, during that whole Period of Time, had the River *St. Laurence* for its inland Boundary, and no other whatever. The *French Commissaries* had considered this Series of Evidence, and must have seen how far back it extended in Point of Time before they made the Objection which we are now answering, and yet they have never declared of *what Age* Evidence must be, to be *ancient according to their System*, nor have they alledged any one Circumstance to shew, that they have ever, in their own Minds, had any particular Time precisely before them, when they have spoke of the ancient Limits. Will not the *French Commissaries* admit that the Testimony of the very earliest Historians, of the *Father and Founder of the French Settlements at Canada*, is Authority ancient enough to establish those as ancient Limits which he describes to be such? If they do admit this, then the River *St. Laurence* must, upon his Authority, be allowed to have been the inland Limit of *Acadia*. This same inland Limit assigned by *Champlain* continually pass'd from his Time to the Capitulation of *Monf. Subercaise*; that is, till the very Moment that it came last into the Hands of *Great-Britain*, as the settled inland Limit of *Acadia*; and therefore we have sufficiently proved, first, that *Acadia* has had an inland Limit from the earliest Times; and secondly, that that Limit has ever been the River *St. Laurence*.

Having

Acadia.

Having now gone through all the Objections made to our System, and the Authorities and Evidence urged by us in Support of it, we shall give an Answer to some Articles in the *French Memorial*, which, from the Nature and Subject of them, could not have been considered in the argumentative Part of this Memorial, without breaking in upon that Method which we thought necessary for Clearness, and without destroying the Series of our Reasoning and of our Proofs.

Use of the
Words Cede
and Restore.

The *French Commissaries* in their 4th Article have taken great Pains to prove, that the Commissaries of his Majesty have, in their Memorial of the 11th of *January 1751*, made a very improper Use of the Word *Cession* in speaking of the Treaties of *St. Germain* and *Breda*, which, as they say, restored *Acadia* to the Crown of *France*. With this View they have collected together from our Memorial all the Passages in which the Word *Cession* is used, and they have transcribed the several Articles from the Treaties of *St. Germain* and *Breda* to shew, that the Word *Restitution* is used in them. In our Answer to which, we shall first shew in what Manner these Words *Cession* and *Restitution* have been used by us in our said Memorial; and in the next how very little Relation this Observation has to the Question before us. The *French Commissaries* have indeed, in exprefs Words, charged us with changing the Words of the Treaties with a Design to pervert the Sense of them, which is a Subtilty very unbecoming the Commissaries of the two Crowns, and from which we are therefore the more impatient to vindicate ourselves. A bare Examination of the Paragraphs to which his Most Christian Majesty's Commissaries refer, will be sufficient to do this. There are several Places in the *English Memorial* where mention is made of *England* delivering up to *France* the Possession of *Acadia* in consequence of the Treaties of *St. Germain* and *Breda*; some

of these are only Recitals of the 10th Article in one, and the 3d Article in the other Treaty, and the rest are Paragraphs of the Memorial which speak of these Treaties; in all which, except three, the Yielding up of *Acadia* to *France* is called a Restitution of it. Those three are the 21st, 54th, and 75th Paragraphs, called by the *French* Commissioners the 22d, 55th, and 82d; and we will account for the Phrase being changed in these. The single Point which we had in View in the two former was to prove, that by the Treaty of *Breda* the Restitution of *Acadia* to *France* was made according to *its most ancient Limits*; and in the last, that *Great-Britain* insisted at the Treaty of *Utrecht*, that *Acadia* should be ceded to her in the same Extent as *France* had received that Country by the Treaty of *Breda*; in all which Passages it was *the Limits of the Restitution* by the Treaty of *Breda*, and the *Limits* referred to by the Treaty of *Utrecht* which we were endeavouring to prove; and in which we could have no View to the avoiding the Expression of Restitution, as implying any original Propriety in *France*. Had the *English* Commissioners really meant to change the Expressions in the Treaties, and to pervert the Sense of them (an Artifice highly unbecoming the Character of the Commissioners of the two Crowns, and very destructive of the mutual Confidence so desirable in national Discussions) they had never used the Word Restitution at all, but instead of that they have seldom varied from it in speaking of the several Treaties which have re-instated *France* in the Possession of this Country, which is having an Exactness in following the Words of the Treaties not incumbent upon them, who have always thrown this Sort of obsolete Claim out of their System and Argument; who deny that *France* either first discovered or settled this Country, and who justify the Expulsion of the

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French from *St. Croix, Pentagoet* and *Port-Royal* in 1613, upon the Right derived to *Great-Britain* from the earliest Discovery and Possession of that Country. But how very little Connection has the Question of earliest Discovery, or this scrupulous Exactness about the Word *Cession* or *Restitution* with the Matter in Discussion? It is agreed on all hands, that *France* recovered the Possession of *Acadia* by the Treaties of *St. Germain* and *Breda*, and *Great-Britain* sets up no Right from prior Discovery against the Operation of those Treaties. It is agreed, that the Treaty of *Utrecht* cedes this same *Acadia* to *Great-Britain*; will *France* set up any Right from original Propriety against the Possession *Great-Britain* has under that Treaty? If not, what Use can attend this Sort of retrospective Enquiry which the *French* Commissioners are perpetually reviving to divert the Attention from the true Object of this Negotiation, and break in upon the proper and natural Order of that Matter, and those Evidences which do really belong to the Subject, and which alone must decide it, if it be decided equitably? If the *French* Commissioners admit (as they must do) that *France* came into Possession of *Acadia* as *Acadia* by the Treaties of *St. Germain* and *Breda*, it is all the *English* Commissioners desire to see established for their reasoning upon those Treaties, and they are extremely indifferent whether those Treaties are said to have *ceded* or *restored* this Country to *France*, since they understand the Question now in Dispute to be, not whether *Acadia* was by these Treaties *restored* to *France*, but *what were the Limits* of the Restitution, and what the Boundaries of the Country then restored? A Question which can never be assisted, however it may be perverted, in the Discussion by the Renewal of obsolete Titles long since barred and precluded, or by making Treaties of a recent Date, whose

whose chief Use was to put an End to all uncertain Rights founded upon earliest Discovery, refer to the Circumstances attending those very Discoveries for their Explanation and Effect, in Opposition to the Operation which Treaties are since known to have had, the Construction known to have been put upon them at the Time they were made, and the Proceedings of both Crowns declaratory of their Intention at the Time of these Treaties.

The *French* Commissioners in the two first Articles of their Memorial have given an historical summary Account of the first Voyages made by the *English* and *French* for the Discovery and Settlement of *North America*, to which, and to the Arguments drawn from it, it would be sufficient to answer in general, that the Question now in Discussion is not which Nation has the Right to *Acadia* or *Nova Scotia*, but what were the ancient Limits of that Country; that several Treaties between the two Crowns have long since interposed to determine upon, and indeed annul any Claim from the earliest Discovery or Settlement, and that very little Information can be reasonably expected for deciding what were the ancient Boundaries of this Country from the Proceedings of those who first discovered it, or the Relations of their Voyages, it being well known how indistinctly first Discoveries of all Countries have been made (every Pilot or Admiral taking Possession of a vast Tract of a Country he never saw, upon the Pretence of having landed in a Part of it) and in how very imperfect or suspicious a Manner the Relations of these Voyages have come down to us; but as the *French* Commissioners have in these Articles, and the Inferences drawn from them, placed several of the Voyages and Discoveries made by the *English* in a wrong Light; and as they have upon a Comparifon between

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first Settlements in
North America.*

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the Dates of those which they assign to have been the first real Discoveries, and actual Settlements made by the two Crowns, assigned a Precedency to *France* in both, which is not due to her, we think it incumbent upon us to give some Answer to these Mistakes in the Representation, lest by passing them over in Silence we should be thought to admit that Precedency, and such Silence should upon any future Occasion be urged as an Authority in Favour of it. With this View, and *for this Purpose only*, we shall shew with how little Foundation the *French* Commissaries set aside the Voyage of *John Cabot* and his Sons in 1497, as a Voyage from which *Great-Britain* can derive no Advantage or Claim to herself, and how little Authority they have for saying, that the earliest Colony *Great-Britain* ever planted in *America*, was in the Year 1607. To enter more minutely than this into the Examination of the History contained in these Articles, would be to depart from the proper Subject before us, to assist in a certain Degree towards changing the real Object of the present Enquiry, and in Part to rest the Decision of it upon insufficient Evidence and improper Argument.

To prove that *Great-Britain* cannot avail itself of the Discovery of *North America* made by *John Cabot* and his Sons in 1497, the *French* Commissaries first lay down this general Position, “ On doit distinguer les navigations qui ont été dirigées “ vers le continent de l’*Amerique* septentrionale sans dessein d’y “ faire des plantations, d’avec celles qui ont été entreprises dans “ cette vüe:” and then they alledge in Aid and Application of this Distinction, that *John Cabot* was a *Venetian*; that he undertook the Voyage at his own Charge; that his Object was the Discovery of a North-west Passage, and that his Discovery was not afterwards for many Years prosecuted or improved by *Great-Britain*.

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This Distinction, and these Particulars, will, upon Consideration, appear to have very little Weight: As to the Distinction, in national Discussions, of Rights founded upon earliest Discovery, was there ever any further Enquiry made than which was the earliest Discovery; and such Discovery once proved, was it ever afterwards examined whether it was made accidentally, in the Course of another Undertaking, or whether the Ships were originally destined for that particular Design, or if the single Object of the Voyage was the Settling a Plantation on that particular Coast? Surely this Way of Reasoning is intirely new, nor has any Nation ever yet suffered a Title founded upon earliest Discovery to be arraigned upon such a subtle, but groundless Distinction. As to the Particulars brought in Support of it, such of them as would be of any Weight if they were true, are Mistakes, and such as are true signify nothing. It would be some Argument to shew this Voyage was the Adventure of *Cabot* not made on the Part of *Henry VII.* if all the Ships which sailed under *Cabot's* Command had been defrayed at his Expence, and been his Property; but it appears from the best Authority, that besides the Ships he bought by the King's Permission, several others accompanied him, fitted out by private Merchants, Subjects of *Great-Britain*, who became Parties to the Undertaking. It would also be a Circumstance very favourable to the Interpretation the *French* Commissaries put upon this Voyage, if *Henry VII.* had not in his Letters Patent inserted Words by which he reserves to himself, and to his Crown, Dominion and Royalty in all the Lands which should be discovered or settled by *Cabot*; but it is expressly there said, that *Cabot* and his Heirs shall hold all such Lands as he shall discover and settle, *as Vassals of the Crown*, and the Acquisition and Territory is said to

be

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be made for the Crown, though the immediate Profit of the Voyage, and various Exemptions in holding what Lands shall be discovered, are granted to *Cabot* and to his Heirs, as Rewards for their Industry, and a Recompence for their Expence. These two Objections therefore, which, if they were well grounded, would have some Weight, are founded upon Circumstances which are not true. It is true, that *Cabot* was a *Venetian*, but he was a *Venetian* in the Service of the Crown of *England*, accompanied by joint Adventurers, native Subjects, and Merchants of *England*; but what follows from this? Should it be admitted that no Foreigner in the Service of any Prince can validly make Discoveries for the Prince who employs him, what will become of almost all the Titles which all Nations have to their foreign Settlements? Does not *Spain* derive her original Title to the *West-Indies* from the Discovery of *Christopher Columbus*? And was it ever objected to her, that *Columbus* was a Native of *Genoa*? Do not *France* and *Portugal* owe their first Discoveries of *North America* to the Industry and Voyages of *Verrazani* and *Americus Vesputius*? If it was true that *Cabot's* chief View and Ambition in this Voyage was to discover a North-west Passage, does this appear in his Letters Patent to have been the only Object or Expectation of *Henry VII*? On the contrary, does not he direct him to navigate the *Eastern*, *Western*, and *Northern* Seas under his Banners for the *Discovery of new Countries at large*, and with the Addition of a Variety of Regulations and Provisions which were unnecessary, but as he intended *Cabot* should make some Settlements in the Countries he should discover, and which the King had never provided, had his Intention been merely to the Accomplishment of a North-west Passage? It is admitted that *England* did not set a great Value at first upon
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the Discovery made in 1497, nor was it for many Years carried any further; but yet the Discovery of that Part of *North America* which lies between *Florida* and the 58th Degree Northern Latitude, stands valid as a Discovery in Opposition to any subsequent Neglect; nor is it to be set aside upon that or any other of the Objections urged by the *French Commissioners* to prove, that no Right, even such as does arise from prior Discovery, can be derived to *Great-Britain* from the Voyage of *Cabot* in 1497, to the Tract of Country he then discovered, and took Possession of. Thus, upon a fair Consideration of the Manner in which it was undertaken, this Voyage of *Cabot* in 1497, represented by the *French Commissioners* to have been the Undertaking of a *Venetian*, upon his own private Account, in which, and the Consequences of it, *Henry VII.* had no Interest or Concern, intended merely for one Purpose, the Discovery of a North-west Passage, appears to have been in Reality performed under Letters Patent for the Use and in the Name of the Crown of *England*; and that the North-west Passage, supposed to have been the sole Object of the Voyage, is not so much as mentioned in the Commission under which *Cabot* and the *English Merchants* sailed who attended him.

It was in consequence of the Discovery made by *Cabot* in 1497, on the Part of *Great-Britain*, that several subsequent Voyages to *North America*, with a View to colonize that Tract of Country, were made in the Reigns of *Queen Elizabeth* and *King James I.* some of which were more successful than others, but all performed with a View to the Establishment of Colonies.

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It was from the same Principle, and in Exercise of the same original Right, King *James* granted so many Charters to Companies of Adventures, and to Individuals ready to engage in the Settlements of *North America*; and that in the Year 1613 Sir *Samuel Argal* received Orders to drive the *French* from their Habitations and Forts at *Pentagoet*, *St. Croix* and *Port-Royal*; in which Act of Force and Demolition of their Settlements the Crown of *France* then acquiesced, not having then, it is to be presumed, found out any Pretext upon which to dispute the Right acquired to *England* by the Discovery of *Cabot* in 1497, which they knew the *English* had almost continually kept up by repeated Voyages to that Part of *North America* for the Benefit of the Fishery, and for the Establishment of Colonies, and which the Nature of the Undertaking, the Distance of the Country, and savage State of *North America* required should be often repeated, before any of the occasional Settlements made from Time to Time, liable to sudden Attacks and constant Distress, could be improved and perfected into an established Province.

That this Voyage was prior to any Discovery made by the *French* of *North America* is evident from *Purchas's Pilgrim*, a Book of Credit and cited by the *French* Commissaries in their Memorial, and from the History of *John de Laet* of *Antwerp*, (a judicious and impartial Author) who expressly says in his Introduction to his second Book, intituled, "Nova Francia, non quod hæ regiones à Francis primum lustratæ aut inventæ fuerint, nam ante Brittanorum & Normannorum è Gallia navigationes ad has terras, magna pars oræ maritimæ à Johanne & Sebastiano Cabotis Venetis, Henrici VII Angliæ Regis auspiciis, non modo lustrata sed & delineata fuit." Which Voyages

Voyages here said to have been made by the People of *Bretagne* and *Normandy*, and which *Laet* confesses to have been after the Discovery of the *Cabots* in 1497, are probably the very same which the *French* Commissaries set up in their Memorial as having been earlier. Having shewn that the *English* were earlier than *France* in the Discovery of *North America*, let us next consider how far the *French* Commissaries have Authority for saying, that the *English* never had any Settlement there till the Year 1607.

Purchas, in his *Pilgrim*, speaking of the Plantations the *English* had made in 1602, (two Years before the Epocha fixed by the *French* as the Beginning of their Attempts to settle in *Acadia*) gives a very particular Description of that Country, then called by the *Indians*, *Mawwooshen*, and takes Notice of the Rivers *Pemaquid* and *Sagabadock*, and the Towns of *Penobscot*, *Kennebeck*, and *Maragove*, from which Names the *English* called the Inhabitants of those Towns and Rivers *Pemaquid*, *Sagabadock*, *Penobscot*, and *Kennebeck Indians*; and *Escarbot* (an Author much relied upon by the *French* Commissaries in their Memorial) in his *Histoire de la Nouvelle France*, published in 1609, speaks of the several Parts belonging to the *English* in *Acadia* at his Arrival in that Country in the Year 1606.

We might proceed to examine the History given in the second Article of the Voyages and Discoveries of the *French*, and shew how necessarily they are liable to be set aside upon the same Objections the *French* Commissaries have made to the earliest of the *English*; but this is a very needless Discussion, as it signifies very little in the Opinion of the *English* Commissaries, in the present Dispute, which Nation either first discovered the *North American*

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can Continent, or acquired the first Propriety of *Acadia*. It is presumed the Crown of *France*, if it was admitted to have first settled this Country, would hardly set up that against the last Decision of the Treaty of *Utrecht*. We have done enough in taking Notice of the Mistakes to be observed in the Account of the *English* Discoveries, to prevent the Appearance of seeming to admit them. The present Argument did not require even this : And as to the History of the *French* Voyages, *Great Britain* will always have sufficient authentick Materials to prove her Right to what Country she holds under the Right of earliest Discovery, if ever any such Right should be brought in Dispute, in Opposition to any State of the *French* Voyages, which the *French* Commissioners have now given, or that Crown shall ever at a proper Time make out. We have not gone into a particular Consideration of that Part of this Article of the *French* Memorial, in which the *French* Commissioners have enquired which of the two Crowns went earliest *into the Design of making Settlements in North America*, because it seems to us of little Consequence to ascertain the *Intention* of either Crown in a Matter where the Intention, not followed by any actual and successful Undertaking, can have no Weight ; and because we imagine, that the most effectual Way of proving *Great-Britain* to have been earlier in her *American* Settlements than *France*, is that which we have taken, of shewing that the Discovery of *Cabot* was long before any such Voyage being made by the *French*, and by authenticating that Establishment in 1602, which we have done, and which was two Years before the *Æra* marked by the *French* Commissioners themselves as the Beginning of their Settlement.

Having

Having gone through the Examination of the System of the *French* Commissaries, and re-established our own in Opposition to the Objections which have been made to it, no Part of our original Plan remains unexecuted, but the comparative View which we proposed to annex of these two different Systems, and of the Evidence brought in Support of each of them.

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Comparative
View of the
two Systems,
and of the E-
vidence in
Support of
each.

The 12th Article of the Treaty of *Utrecht* having ceded to *Great-Britain*, “ Novam Scotiam five Acadiam totam limitibus suis antiquis comprehensam, ut & Portus Regii urbem, nunc Annapolin Regiam dictam, cæteraque omnia in istis regionibus quæ ab iisdem terris & insulis pendent, unâ cum earundem insularum, terrarum & locorum dominio, proprietate, possessione & quocumque jure, sive per pacta, sive alio modo quæsito, quod Rex Christianissimus, corona Galliarum, aut ejusdem subditi quicumque ad dictas insulas, terras & loca eorumque incolas hætenus habuerunt, Reginarum Magnæ Britanniarum ejusdemque coronarum in perpetuum cedi constabit & transferri, prout eadem omnia nunc cedit & transfert Rex Christianissimus :”

The Commissaries of the King of *Great-Britain*, in their Construction of this Treaty, have conformed themselves to the Rule laid down by the Treaty itself, and assigned those as the ancient Limits of this Country which have ever passed as such, from the very earliest Times of any Certainty down to the very Treaty of *Utrecht* ; those which the two Crowns have frequently declared to be such, which the Crown of *France* has frequently received as such, and which the preliminary Proceedings of the Treaty of *Utrecht* prove to have been considered as such by the two Crowns at that very Time.

These Limits are the Southern Bank of the River St. *Laurence* to the North, and *Pentagoet* to the West.

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To shew that these Limits have ever been received by the two Crowns as the ancient Limits of *Acadia*, we have proved upon the Authority of Monsieur d'*Estrades*, and of Pere *Charlevoix*, that by the Treaty of St. *Germain* in 1632, the first Treaty in which the Country of *Acadia* is mentioned at all, *France* received under the general Name of *Acadia* all that Country from the River St. *Laurence* to *Pentagoet*, which *Great-Britain* now claims as such.

To shew that *France* continued in Possession of this Country with these Limits from the Year 1632 to 1654, when a Descent was made upon *Acadia* under the Command of Colonel *Sedgwick*, we have cited Monsieur d'*Estrades*, who expressly says this, the Authority of Pere *Charlevoix*, the Letter of *Lewis XIII* in 1638, regulating the Jurisdiction of the Sieurs *Charnisay* and *de la Tour*, the subsequent Commissions of the *French* Government to the Sieurs *Charnisay* and *de la Tour* in 1647 and 1651, as Governors of *Acadia*, and the Commission to the Sieur *Denys* in 1654; which Commissions also expressly carry the Bounds of *Acadia* from the River St. *Laurence* to *Pentagoet* and *New England*.

To prove that in 1654 *France* had the same Notions of this Country which she established in 1632, when she could only take *Acadia* according to its ancient Limits, we have produced the Demand made by the *French* Ambassador in 1654, for the Restitution of the Forts *Pentagoet*, St. *John's*, and *Port-Royal*, as *Forts in Acadia*.

To shew the Sense of *France* in the Year 1662, upon the Revival of the Claim of *France* to the Country of *Acadia*, which had been left undecided by the Treaty of *Westminster*, we have produced the Claim made by *France* at that Time in the Person of her Ambassador to the Court of *London*,
who

who then assigned *Pentagoet* as the Western, and the River *St. Laurence* as the Northern Boundary of *Acadia*, and alledged the Restitution of *Acadia* in 1632, and the Possession taken by *France* in consequence of it, and the Continuance of the Possession of *France* with the same Limits to the Year 1654, as Proofs of the Equitableness and Validity of the Claim which he then made; in which Claim and Manner of supporting it he was particularly approved of by the Court of *France*.

We have seen that notwithstanding this Difference of Opinion in 1662, between the two Crowns, upon the Limits of *Acadia*, *France* thought it so clear upon former Determinations and her own former Possessions, that the true ancient Boundaries were *Pentagoet* to the West, and *St. Laurence* to the North; that she desired no particular Specification of Limits in the Treaty of *Breda*, but was contented with the Restitution of *Acadia* generally named; that upon a Dispute afterwards arising in the Execution of this Treaty, *France* re-asserted the Limits she had claimed in 1662; and that *Great-Britain* after some Discussion acquiescing in that Claim, the Crown of *France* came into Possession of *Acadia* under the Treaty of *Breda*, with the Limits which we now assign.

The Sense of *France* upon this Subject in 1685 and 1687 is clearly manifested in the Memorials of the *French* Ambassador in 1685, then residing at *London*; in which, complaining of some Encroachments made by the *English* upon the Coast of *Acadia*, he describes *Acadia* as extending from Isle *Percée*, which lies at the Entrance of the River *St. Laurence*, to *St. George's* Island; and in the Complaint made by Monsieur *Barillon* and Monsieur *Bonrepais* at the Court of *Great-Britain* in 1687, against the Judge of *Pemaquid*, for having

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having seized the Goods of a *French* Merchant at *Pentagoet*, which they say is situated in *Acadia*, as restored to *France* by the Treaty of *Breda*.

To shew the Sense of *France* in 1700, we have produced the Proposal of the *French* Ambassador, then residing in *Great-Britain*, to restrain the Limits of *Acadia* to the River *St. George*.

We have produced the Surrender of *Port-Royal* in 1710, in which *Acadia* is described with the same Limits with which *France* had received it in 1632 and 1667.

To shew the Sense of the two Crowns, even at the Treaty of *Utrecht* itself, we have produced the Queen of *Great-Britain*'s Instructions to her Ambassadors in 1711, in which they are directed to insist, "that his Most Christian Majesty should "quit all Claim and Title, by Virtue of any former Treaty "or otherwise, to the Country called *Nova Scotia*, and expressly to *Port-Royal*, otherwise *Annapolis-Royal*;" and we have shewn upon Facts not disputable, that the Recital of the several Sorts of Right which *France* had ever had to this Country, and the Specification of both Terms, *Acadia* or *Nova Scotia*, were intended by *Great-Britain* to obviate all Doubts which had ever been made upon the Limits of *Acadia*, and to take in with more Certainty all that Country which *France* had ever received as such.

To shew what *France* considered as *Acadia* during the Treaty, we have referred to the Offers of *France* in 1712, in which she proposes to restrain the Boundary of *Acadia* to the River *St. George*, as a Departure from its real Boundary, in case *Great-Britain* would restore to her the Possession of that Country.

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From the Nature of this System it is clear, that *Great-Britain* demands nothing but what the fair Construction of the Words of the Treaty of *Utrecht* necessarily gives to her, and that it is impossible for any thing to have more evident Marks of Candour and Fairness in it, than the present Demand of the King of *Great-Britain*. From the Variety of Evidence brought in Support of this Claim it undeniably results, that the *English* Commissioners have assigned no Limits as the ancient Limits of *Acadia*, but those which *France* determined to be such in the Year 1632, and possessed in consequence of that Determination till the Year 1654.

That in 1662 *France* claimed, and received in 1669, the very Country which *Great-Britain* now claims as *Acadia*, as the *Acadia* restored to *France* by the Treaty of *Breda* under that general Name. That *France* never considered *Acadia* as having any other Limits than those which we now assign from the Year 1632 to 1710; and that by the Treaty of *Utrecht* she intended to transfer that very same Country as *Acadia* which *France* has always asserted and possess'd, and *Great-Britain* now claims as such.

If therefore the Crown of *France* is willing to decide what are the ancient Limits of *Acadia* by her own Declarations, so frequently made in like Discussions upon the same Point, by her Possession of this Country for almost a Century, and by her Description of *Acadia* during the Negotiation of that very Treaty upon which this Doubt is raised, she cannot but admit the present Claim of *Great-Britain* to be conformable to the Treaty of *Utrecht*, and descriptive of the Country transferred to *Great-Britain* by the 12th Article of that Treaty: There certainly is a Consistency in the Claim of the King of *Great-Britain*, and a Compleatness in the Evidence brought in Support of it, which is seldom seen in Discussions of this Sort;
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for it seldom happens in Disputes of this Nature between two Crowns, that either of them can safely offer to have its Pretensions decided by the known and repeated Declarations, or by the Possessions of the other.

To answer the Force of this Detail of conclusive historical Facts, and to give a new Turn to the real Question in Dispute, the *French* Commissioners have in their Memorial first laid it down as a Distinction made by the Treaty of *Utrecht*, that the ancient Limits of *Acadia* referred to by that Treaty are different from any with which that Country may have passed under the Treaties of *St. Germain* and *Breda*; and then endeavoured to shew, upon the Testimonies of Maps and Historians, that *Acadia* and its Limits were anciently confined to the South-eastern Part of the Peninsula. In Support of this System the *French* Commissioners have had recourse to ancient Maps and Historians, who, as they assert, have ever confined *Acadia* to the Limits they assign; they alledge those Commissions of the *French* Government over *Acadia*, which we have cited as Evidence in Support of the Limits we assign, to have been Commissions over *Acadia*, & *Païs circonvoisins*, and not over *Acadia* only: That it is impossible to suppose the whole Country his Majesty claims as *Acadia* should ever have been considered as such, as many Parts of that Territory have ever had, and do still preserve, particular and distinct Names. They make *New France* to be a Province in itself, and argue that many Parts of what we claim as *Acadia* can never have been in *Acadia*, because Historians and the *French* Commissions of Government expressly place them in *New France*. They assert that no Evidence can be drawn of the Opinion of any Crown, with respect to the Limits of any Country, from its Declarations during the Negotiation of a Treaty; and in the End, relying upon Maps and Historians

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for their ancient Limits of *Acadia*, they make the exprefs Re-stitution of the Treaty of *St. Germain* and the Possession of *France* in consequence of it, the Possession taken by *France* in consequence of the Treaty of *Breda* after a long Discussion of the Limits, and the Declaration of *France* during the Negotiation of the Treaty of *Utrecht*, to be "*Preuves étrangères à l'état de la question.*"

It is evident from our Examination of the Maps and Historians they have cited in Support of their System, that if this Question was to be decided upon those Authorities which they allow to belong and to be applicable to this Discussion, the Limits they assign are utterly inconsistent with the best Maps of all Countries, which are Authorities in Point for almost every Part of the Claim of *Great-Britain*. The Historians *Champlain* and *Denys*, with his Commission in 1654, have been proved to assign the same Northern and Western Limits to *Acadia* that we do; and *Escharbot*, as far as any Evidence at all can be drawn from his Writings, agrees with the two former Historians. All these Evidences fall in with and confirm the better Authorities of Treaties and the several Transactions between the two Crowns for near a Century past; and the *French* Commissaries, by going from Treaties and the latter Proceedings of the two Crowns to ancient Historians and Maps, have only gone from an authentick to an insufficient Sort of Evidence, and have led the *English* Commissaries into an Enquiry which proves, that both the proper and the improper, the regular and foreign Evidence upon which this Matter has been rested, equally confute the Limits alledged by the *French* Commissaries as the ancient Limits of *France*.

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The Words *Pais circonvoisins*, upon which the *French* Commissioners set aside all the Evidence drawn from the Commissions of *France* to the Governors of *Acadia*, pretending upon the Addition of these Words, that these Commissions were not for *Acadia* only, have been shewn to be Expressions of Course, inserted in every Commission of *France* to Governors in *America*, which, if they were to be construed in this Sense, would introduce endless Inconsistencies and Absurdities, contradictory to the Intention of the Crown of *France* at the Time; and that these Words, if they were capable of such a Construction, are not in these Commissions for the Government of *Acadia*, from which the *French* Commissioners have cited them by Mistake.

The Representation of two different Commissions given to *Charnisay* and *la Tour* of particular Commands in *Acadia*, has been shewn, upon the Authority of *Lewis* the XIIIth's Letter in 1638, and *Charnisay's* Commission in 1647, and *la Tour's* in 1651, to have been a Mistake in the *French* Commissioners, and that in Fact they never had any such *commandemens particuliers*, and that both their first and their second Commissions are Proofs in Support of the Claim of *Great-Britain*.

The Arguments founded upon the particular Names given to Parts of *Acadia*, different from the general Name of the Country, has been shewn to arise from an accidental Circumstance which implies nothing, and is to be paralleled in the History and Situation of almost every Country upon the Globe. Many of the Names of these particular Districts have been explained; all the Parts of *Acadia*, which have been objected to upon this Allegation, have been shewn to have

ever

^ever been Parts of *Acadia*, in Opposition to the nominal Division of that Country ; and it has been demonstrated how little Pretence there is for supposing that there ever was a particular Province formed under the Name of the *Baye-Françoise* ; and that no Proof follows from the Commission of the *Sieur Denys* in 1654 over the *grande Baye de St. Laurent*, that the Country from *Cape-Canseau* to *Cape-Rosiers* has ever been considered as distinct from *Acadia*.

The Distinction between *New France* and other particular Provinces of the Territories in *America* has been shewn to have no Foundation upon the Authority of the most solemn Acts of Government of *France*, in which the Word *Nouvelle France* is always used as a Term comprehensive of all the Possessions of *France* in *North America*.

The Declaration of the Crown of *France*, as to her Opinion of the Limits of *Acadia*, expressed in the Equivalent twice offered in 1712, has been shewn to be a proper Evidence of her Sense of the Limits of *Acadia*, which she was going to cede, in Opposition to the very dangerous Principle laid down by the *French Commissaries*, that the Opinion of the Parties to any Treaty are not to be judged of by their most solemn Declarations during the Negociation of such Treaty.

A full Answer has been given to the Pretence upon which the *French Commissaries* set aside all Proceeding from 1632 to 1710, the Possession taken by *France* in 1632, her Possession till 1654, her Demand of *Pentagoet* as a Place in *Acadia* in 1654, her Claim of *Acadia* from *Pentagoet* to *St. Laurence* in 1662, her Possession of it in consequence of the Treaty of *Breda* in 1669, with the several Re-assertions of these same Limits from the Year 1667 to 1710 ; and all these several Evi-

Acadia.

dences have been shewn to be conclusive to the present Point, and the only proper Testimonies which can be cited for clearing up such Difficulties as have been started upon the Treaty of *Utrecht*.

The View with which the *French* Commissaries have gone into an History of the first Discovery and Settlement of *America*, has been shewn to end only in a Dissertation which has not the least Connection with the present Matter in Dispute.

All the Evidence therefore brought by the *French* Commissaries in support of their System has been demonstrated to be destructive of it, and applied in the strongest manner in Maintenance of the Claim of *Great-Britain*. The Objections made to the Argument and Evidence brought by the *English* Commissaries have been fully answered; and it appears upon the whole, that the King of *Great-Britain*, bringing no Evidences from Sources that are not authentick, is supported in his Claim by every Transaction between the two Crowns for above a Century past.—That in claiming the Country from *Pentagoet* to the River *St. Laurence* as *Acadia*, his Majesty demands nothing more than what *France* has always received under that Name in the most general Restitution; than what, if the ancient Limits of it be determined upon Maps, Historians, the uniform Decisions of the two Crowns for above an hundred Years together, and upon the Declarations of the Crown of *France* at the Treaty of *Utrecht* itself, the Crown of *France* must in all Equity and Fairness acknowledge to be a just Claim upon the Words of *Cession* in the Treaty of *Utrecht*.

The *French* Commissaries, on the contrary, are equally incapable of supporting their System and their Limits upon the Maps and Historians they cite, and upon the Proceedings of Govern-
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ment Treaties, and better Evidence produced by us. They dare not abide by any Possession ever taken by *France* in consequence of the most general Words of Restitution, nor by the Possession of *France* for above an hundred Years successively, nor by any Declarations made by the Crown of *France* at the Time of the Treaty of *Utrecht*; but, setting aside all these Evidences taken from Times of Certainty and Preciseness, they are obliged to have recourse to Maps and Historians of less Certainty in Point of Time, and less Preciseness from the Nature of them; both which, when they come to be strictly examined, absolutely destroy their System, fall in with the Sense and Operation of the better and later Evidence of Treaties and Transactions between the two Crowns, and become so many auxiliary Proofs in Support of the Crown of *Great-Britain*.

Paris, 23 January 1753.

Signed,

WILLIAM MILDMAI,

RUUVIGNY DE COSNE.



MEMORIALS

CONCERNING

SAINT LUCIA.

PART II.




MEMORIAL

OF THE

FRENCH Commissaries,

Concerning St. *LUCIA*.

PART II.

I.  HE Commissaries of the King intend to confine themselves in this Memorial, to the Consideration of the Right which *France* has to St. *Lucia*. The provisional and conditional Evacuation of this Island, which his Majesty has been willing to consent to, renders a final Decision so much the more necessary, as the Condition of the Families who have Settlements in it is such, that they cannot remain long in a State of Uncertainty, and are besides, entitled to prompt and speedy Succours from the King, whatever Part they may have to take with relation to this Decision.

[A]

This

Memorial of the French Commissaries.

St. Lucia. This is the Motive of those pressing Instances which the Commissaries of the King have constantly made on this Article. The just Rights of *France* to *Tobago*, the conditional Evacuation of which his Majesty has likewise consented to, shall be established in a particular Memorial, which the Commissaries of the King shall take care to have delivered without Delay. As to the Islands of *St. Vincent* and *Dominico*, they have no relation to the present Question, but only, that it may be acknowledged, that the Property of them, and that under the Protection of *France*, has been confirmed by the two Nations to the *Caribbeans*, or the Natives of the Country.

II. In order to demonstrate the Right of the King to the Island of *St. Lucia*, it will be necessary to trace the Matter up to the original Principles of Property.

III. The State of *America*, when settled by the *European* Nations, may be compared to the primitive State of the World, before Men had formed themselves into distinct Bodies of civil Society.

IV. "Then, according to *Grotius*, all Men in general had a
 "Right to all Things on the Face of the Earth: by Virtue of
 "which Right, every one might seize on what he pleased
 "for his own Use, and might even consume what Nature
 "made liable to perish in using. The Use which was thus
 "made of a Right common to all Men, stood instead of Pro-
 "perty; and when any one had taken a Thing in this Man-
 "ner, no other Person could with Justice deprive him
 "of it."

V. In this Light have the Nations of *Europe* considered *America*, as a Country where all Men might seize on what suited their Convenience; and in order to be justly possessed

of

of a Piece of Land, it was sufficient, that no other Nation in *St. Lucia*.
Europe was in actual Possession of it, and that the Natives of
the Country had not appropriated it to themselves, either by
Culture, or by some other Use which was to them instead
of Property, whereof the most of them had but very imper-
fect Notions.

VI. Moreover, a Country, tho' discovered and claimed by a
People, nay, even tho' settled, if it is afterwards abandoned,
reverts to the Condition of vacant Lands, and as such becomes
the Lot of those who occupy and take Possession of it.

VII. Desertion or Dereliction is presumed in Law, when
the ancient Possessor, being informed that another is in
Possession, and having Opportunity to reclaim, yet neglects
to do it.

VIII. Dereliction is equally presumed, when he who is in
Possession, being necessarily obliged to quit the Country,
makes no Attempts to re-enter it, and does not reclaim against
a third, who, presuming better of himself, takes publick Pos-
session of it, and maintains himself in it. To alledge that any
one acquires for others, and not for himself, would be to over-
throw all the Laws of Nature.

These are the only Principles on which Nations can support
the Rights of original Property.

IX. If it is proved, that when the *French* took Possession of
St. Lucia, it was not then occupied by any Nation of *Europe* :

X. That they have maintained themselves in it, for the
space of twenty Years, against the Savages, both of that, and
the neighbouring Islands, without the *English* having ever
challenged their Possession :

XI. That so far from challenging their Possession, which
was uncontested and universally known throughout all *Ame-*

St. Lucia. *rica*, the *English* have entered into Treaties with the Governors of some other *French* Islands, and have given a general Invitation to those of all the Islands possessed by the *French* to accede to them, in which number that of *St. Lucia* was found :

XII. That at the same time they have themselves had recourse to the *French* to procure a Peace for them with the Native Islanders :

XIII. That the *French* on their Side have never discontinued the Possession of *St. Lucia* ; that, before the attempts made upon it by the *English*, they have had a Succession of Governors and Commandants ; that it has belonged to private Proprietors, acknowledged as such by publick Acts :

XIV. That this Island has been the Subject of several Contracts of Sale between *Frenchmen* and *Frenchmen* ; Sales, which were publick, authorized by the Sovereign, and which have never been contested :

XV. That lastly, the attempts of the *English* to seize on this Island, have been contrary to all the Rules and Laws which prevail among Nations ; that they have been made in the times of profound Peace ; that they have been disavowed even in their first Origin by the *English* Governors ; and that lastly, they have been followed by the most explicit Desertion, since the *English*, being obliged to quit the Place, after having divested themselves of it, and offered to restore it to the *French*, have at last abandoned it, and settled themselves in other Islands :

XVI. If all these Facts are proved, if the *French* have never renounced a Possession so well established, no Person can with Reason refuse to acknowledge that *St. Lucia* appertains to *France*, and that it cannot be lawfully disputed with us.

XVII. The

XVII. The Design of this Memorial is to establish these Facts, by the Authority of cotemporary Historians, and by authentick Acts and Writings. St. Lucia.

In this view we shall resume the first Settlements of the *French* and *English* in *America*, and give a Detail of their Progresses as far as relates to *St. Lucia*.

XVIII. It is evident from the little already said, that, in the Sequel of this Memorial, we cannot dispense with relating some irregular Proceedings on the part of the *English*: But, besides that it is not the Intention of the Commissaries of the King to dilate upon Grievances, beyond what is necessary for the establishing the Rights of *France* to *St. Lucia*, they have had the Satisfaction, when running over those Historians and Memorials from whence this is extracted, to observe, that most of the Attempts, which they look upon as unjust, have the Appearance of Violences committed by private Persons, without the Order of the Prince, and which have been even sometimes disowned by him; that whenever Complaints were made in *England* about them, the Troubles have almost constantly ceased for the Space of at least some Years; and that in all Probability they would never have been renewed without the Intervention of private Interests, covered with the Pretext of that of the Nation.

XIX. The Commissaries of the King, before they enter on the Matter in Dispute, think themselves likewise obliged to take notice, that *England* is a Country that swarms with Writers, who frequently take upon them to flatter the Taste of the Nation contrary to its real Interests, and often make it their Business to extend its Pretensions far beyond their just Bounds, either thro' Disaffection to the Administration, or for some other personal Reasons. But let private Authors augment or lessen the Rights
of

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St. Lucia. of their respective Nations as they think fit, Princes and their Ministers are not guided by popular Errors: They owe Justice to their Subjects, they owe it even to their Neighbours, whether either or both exaggerate their Rights, neglect them, or are even ignorant of them.

XX. Having made these general Observations, the Commissaries of the King beseech those of his *Britannick* Majesty to read this Memorial, and the others which they have to put in to their Hands, without Prejudice, without Partiality, and with that Spirit of Equity which ought to direct the Actions of two great and powerful Nations. This is the only Means of attaining to the Truth, the Discovery of which is of infinite Importance to their Happiness and mutual Quiet, and which, their respective Commissaries ought to look upon, as their only Object in view.

XXI. THE ISLAND OF ST. CHRISTOPHER's has been the Source of the Establishments of the two Nations in *America*, of the *French* under the Command of the *Sieur d'Esnambuc*, and of the *English* under Sir *Thomas Warner*. It is to be observed, that the *Sieur d'Esnambuc* at his Arrival in 1625, which is likewise the *Æra* of Sir *Thomas Warner's*, found a small Number of *French* already settled on the Island.

XXII. The *English* have laid claim to the taking Possession of *St. Lucia* in 1605; but this Pretence advanced in the Memorial of the Commissaries of his *Britannick* Majesty, of the 15th of *June* 1687, so far from being hitherto supported by any Proof, is contradicted and destroyed by that very Memorial, which bears, that Sir *Thomas Warner is the first who made a Settlement in the Caribbee Islands*.

XXIII. Thus without any manner of Foundation, they pretend in this Memorial to give Sir *Thomas Warner* the Honour of
having

Memorial of the French Commissaries.

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having discovered *St. Christopher's*; for the *Sieur d'Esnambuc* landed on that Island at the same time, and even found a number of *Frenchmen* upon it, who had before taken shelter there on different Occasions. In Fact, it was *Christopher Columbus* who first discovered it in 1493, and called it by his own Name. St. Lucia.

XXIV. According to the same Memorial, *Sir Thomas Warner*, who discovered *St. Christopher's*, took Possession of *St. Lucia*, and appointed the Judge Major its Governor.

XXV. This Fact is likewise one of those which have not been as yet supported by any Proofs, whilst at the same time it carries along with it no Appearance of Probability.

XXVI. In order to judge of this Matter, it will be sufficient to lay down the Circumstances of the first Settlements of the *Antilles* by the *French* and *English*.

XXVII. The *Sieur d'Esnambuc* and *Sir Thomas Warner*, after having agreed to share between them the Lands of *St. Christopher's*, at which they arrived in 1625, departed almost at the same Time, each for his own Court, in order to procure the Funds necessary for the Expence of their Undertaking.

XXVIII. In 1626, a Company for the *American* Islands was formed in *France*; and the same Year, Cardinal *Richelieu*, as Superintendant of the Commerce, gave a Commission to the *Sieurs d'Esnambuc* and *de Rossey*, as well for *St. Christopher's* as for *Barbadoes* and the neighbouring Islands, which lie between the eleventh and twentieth Degrees of Latitude; and *St. Lucia* is not only contained within these Parallels, but is likewise very near them, and lies almost between both.

XXIX. It was not till 1627, when, in consequence of the Proposals made by *Sir Thomas Warner*, the King of *England* granted Letters Patent to the Earl of *Carlisle*, which constitute the first authentick Title the *English* have to their Posses-

sions

St. Lucia. fions in the *American* Islands. It is pretended that *St. Lucia* is contained in this Title; but as we have not seen it, we can say nothing on that Article; and it is not to be doubted, that if any Inferences can be drawn from thence favourable to the Pretensions of *England*, they will not fail to be now produced by the Commissaries of his *Britannick* Majesty.

XXX. Be this as it will, the Title of the *French*, which is of the Year 1626, is prior to that of the *English*, which is only of 1627; and the express and literal Mention of *St. Lucia*, if it is found in the Grant made to the Earl of *Carlisle*, as may be presumed from the Memorial of the *English* Commissaries of the 15th of *June* 1687, neither can nor ought to be more regarded than the Title of 1626, which expressly gives *Barbadoes* to the *Sieur d'Esnambuc*, and moreover bears that he was the first Discoverer of it.

XXXI. The *Sieur d'Esnambuc* and *Sir Thomas Warner*, having obtained from their respective Courts the necessary Powers to form a Settlement at *St. Christopher's*, returned thither with all Expedition, in order to set about it seriously; and in 1627, they concluded the projected Division of the Lands, by an Act of the 12th of *May* in the same Year.

XXXII. If both Sides intend to deal with Sincerity, it cannot be denied that in all this there seems to have been a perfect Equality between the two Nations.

XXXIII. Whatever the *English* may challenge by Virtue of the Letters granted to the Earl of *Carlisle* in 1627, the *French* may do the same, with much better Reason, by Virtue of those granted to the *Sieur d'Esnambuc* in 1626: But it is not to be conceived how *Sir Thomas Warner*, who, at his Arrival at *St. Christopher's* in 1625, had been very roughly handled by the *Spaniards*; who departed thence in quest of Succours from
England,

England, in order to form his Settlement; who had himself no Power nor Commission for his favourite Island of *St. Christopher's*; who was destitute of Means, and solicited them to effectuate his Establishment; and who, after all, was not able to bring his Project to bear till 1627; we say, it is not to be conceived, how, in 1626, he had it in his Power not only to send a Governor to *St. Lucia*, but also to form a Settlement in it. From these Considerations it is to be presumed that this must be a Mistake.

XXXIV. After these first Establishments of the *French* and *English* in the *American* Islands, sundry Attempts have been made by private Adventurers of both Nations to settle themselves in different Islands. The *French* attempted it in *Antegoa* and *Montserrat*, but having afterwards abandoned them, the *English* have settled there, and are still in Possession. The same has happened with Respect to the *English*, who made an Attempt at *St. Lucia* in 1639, but were obliged to desert it in 1640, not being able to support themselves against the *Caribbeans*, the Natives of the Country.

XXXV. If to have been some Time in a Country, and then to have deserted it, constituted a lawful Title to reclaim it from another Nation, who had taken Possession of it and peaceably enjoyed it, the *French* would have a Right to demand the Restitution of *Antegoa* and *Montserrat*, whither they had for some Time retired, after the Invasion of *St. Christopher's* in *October* 1629, by *Don Frederic de Toledo*, Commander of a *Spanish* Squadron. These Islands were then uninhabited; and it is much to be questioned, if the *English* can prove, that they had landed and made any Settlement in them, before that Time.

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XXXVI. Much less can the Right to a Part of *Carolina*, now one of the most flourishing Colonies belonging to the *English*, be disputed with the *French*: They had been making Settlements in that Country since the Year 1562, and had built *Charles-fort* at a small Distance from the Place where *Charleston* now stands; and in 1564 they built another Fortress, giving it the name of *Carolina*. The *English* Inhabitants of *Virginia*, flying from the Massacres of the Savages, took refuge there in 1622, and began to settle in it. An *English* Author, who has wrote a description of the Possessions of his Country-men in *America*, when treating of this Colony, makes the following Reflection. “ Notwithstanding all that has been said of the
 “ Settlements by the *French* and *Spaniards*, ours are entirely
 “ conformable to Justice; for if any Nation does not think a
 “ Country worthy of being cultivated, but abandons it, ano-
 “ ther having a better Opinion of it, may settle there, accord-
 “ ing to all the Laws of Nature and Reason.”

XXXVII. From what has been said and observed, it must be concluded, that the *English* can found no rightful Claim on their pretended Possession of *St. Lucia* before the *French*; and so much the more, as according to the Opinions prevailing in the Colonies, and according to all Appearances, the *French* before the Year 1639, had been engaged in Wars with the Savages of *Martinico* and those of *St. Lucia* their Allies, and had already attempted to make Settlements at *St. Lucia*, as they had done at *Martinico*, with good Success. But besides *St. Lucia* ought in Reason to be considered as vacant, since neither of the two Nations have been able to obtain a lasting Establishment in it.

XXXVIII. What appears certain, is, that even according to the Memorial of the Commissaries of his *Britannick* Majesty,
 dated

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dated *June* the 15th, 1687, the *French* took Possession of it in 1643. At that Time this Island was empty and vacant, and neither possessed nor claimed by the *English*. The few who had escaped the Fury of the Savages in 1640, took refuge and settled at *Montferrat*, without shewing the least Desire ever to return to an Island, where the short Stay they had made, had been so fatal to them.

St. Lucia.

XXXIX. The Year 1643 is then, according to the *English* themselves, the Epocha of the first solid and permanent Settlement which had been made at *St. Lucia*. About the same Time the *Sieur du Parquet*, Nephew of the *Sieur d'Esambuc*, who since the Year 1637 had been the King's Lieutenant General at *Martinico*, gave the Government of *St. Lucia* to the *Sieur Rouffelan*, who erected a Fort and raised a Plantation upon it.

XL. As soon as the *Sieur du Parquet* perceived that this Settlement had taken root, and that it might be maintained against the Efforts of the *Caribbeans*, he formed the Design of purchasing it from the Company of the *American* Islands. With this View he returned to *Europe*, and the Contract of Acquisition bears Date *September* 27th, 1650.

XLI. If there is any Title, which, in the Customs of civil Life, specifies Property, surely Contracts of buying and selling are such; and this Transaction cannot be looked upon as a Negotiation carried on in Obscurity: The Contract of Sale for *St. Lucia*, jointly with those for *Martinico*, *Grenada*, and the *Grenadines*, is disputed by none in *France*, and was authorized by Letters Patent from the King in the Form of an Edict, of the Month of *August* 1651, after Examination made into this Contract in the King's Council, at which several Princes and Officers of the Crown assisted.

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XLII. In

St. Lucia.

XLII. In Consequence of this Contract and these Letters Patent, the *Sieur du Parquet's* Property and Possession of the *American* Islands was acknowledged. It was publick in that Country, well known to the *French* and *English*, and never disputed by any. The Registers of the Supreme Council of *Martinico*, from the Year 1651, and afterwards, are full of judicial Acts, wherein the *Sieur du Parquet* has the Title of Lord and Governor of St. *Lucia*.

XLIII. As long as the *Sieur du Parquet* lived, he delegated the Command to those, in whom he reposed the greatest Confidence. A Succession of the Governors and Commandants has come down to us, in so authentick a Manner, that we cannot conceive it possible to raise any solid Objection against a Proof of this Nature.

XLIV. The *Sieur Rouffelan*, the first Commandant, continued peaceably in this Island till the Year 1654.

The *Sieur de la Riviere*, a Man of a large Estate, for whom the *Sieur du Parquet* entertained a great Affection, enjoyed the Command after the *Sieur Rouffelan*. Thro' too much Confidence he fell a Sacrifice to the *Caribbeans*.

The *Sieur Haquet*, his Successor, a Relation of the *Sieur du Parquet*, met with the same Fate in 1656.

The *Sieur le Breton* was sent thither in Place of the *Sieur Haquet*.

The Soldiers having deserted, thro' the Aversion they had conceived to the Person of the *Sieur le Breton*, the *Sieur du Parquet* deputed the *Sieur Coutis* in his Place, and sent a new Detachment along with him.

That same Year, in 1657, the *Sieur Coutis* was relieved by the *Sieur d'Iel-d'Aygrement*, a Relation of the *Sieur du Parquet*.

The

The *Sieur de la Lande* succeeded to the *Sieur d'Iel-d' Aygre-mont*. *St. Lucia.*

The *Sieur Bonnard* commanded here in 1664, when the *English* made an Attempt on the Island.

XLV. A Possession so uninterrupted, confirms the Property of this Island as incontestably to *France* as that of any other Island in *America*, unless it can be made appear that the *French* have been lawfully divested of it in the Sequel, or that they have renounced their Pretensions to it: But quite on the contrary, it will be found that they have always claimed and defended their Property, the Legality whereof could never be weakened by a few Acts of Violence committed by some private *English* Adventurers, which have been likewise disavowed by their Governors, as shall be afterwards made evident.

XLVI. The *Sieur du Parquet* dying in *America* about the Beginning of 1658, the Property of *Martinico* and *St. Lucia* descended to his Children: And the King, in Consideration of the Services of the Father and their Great Uncle the *Sieur d'Esquambuc*, granted to the two Sons of the *Sieur du Parquet*, substituting the one to the other, the Government of the same Islands, by Letters of the 15th of *September* 1658: But on account of their Youth, committed the Exercise of it to their Uncle the *Sieur de Vanderoque*.

XLVII. These same Letters, in the most authentick Manner, prove several Facts which ought not to be omitted; namely, that the *Sieur du Parquet* had greatly contributed to the Propagation of the Gospel amongst the Natives of *Martinico* and *St. Lucia*; that he had been frequently engaged in Wars with them in Defence of the King's Subjects, and that he had furnished several Places with Men and warlike Stores; so that at the Time of his Death, the Authority of the King

was

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was firmly established there, and the Inhabitants enjoyed a profound Peace and perfect Tranquillity.

XLVIII. It appears by Extracts from the Registers of the Supreme Council of *Martinico*, that the *Sieur de Vanderogue*, in consequence of the Letters granted to him by the King, exercised the Government and General Lieutenancy of *Martinico* and *St. Lucia*; and that on the 9th of *January* 1660, he appointed the *Sieur Dupré* Judge in civil and criminal Matters for both Islands.

XLIX. About the Beginning of the same Year 1660, a Treaty of Union and League offensive and defensive was concluded between the *French* and *English*, Proprietors of several Islands in *America*; and this Treaty, a short Time after, was followed by a second, with the *Caribbeans*.

L. The *Caribbeans* had hitherto had the Address to make Peace at one Time with the *French*, at another Time with the *English*, before they made any Attempts on either of the two Nations: And thus they managed it so, that at all Times they had one of them for their Friends. People soon became sensible of what Importance it was to be united against the common Enemy; and this was the Object of the Treaty concluded in the Month of *January* 1660, between the *French* Governors of *St. Christopher's*, *Guardeloupe*, the *Saints*, and *Marigalante*, on the one Part; and the *English* Governors of *St. Christopher's*, *Montserrat*, *Nevis*, and *Antegoa*, on the other.

LI. It was agreed, that both should act in Concert against the *Caribbeans* in Case of War; that they should be left in Possession of *St. Vincent* and *Dominico*; that nevertheless the *French* Ecclesiasticks should use their Endeavours for the Conversion of those Infidels; that the *Sieur Houel*, the Governor of *Guardeloupe* should be desired to negotiate with them in order to secure

secure the Preservation of the Peace; and that the Governors and Inhabitants of the Islands belonging to either Nation who had been absent, might enter into the said Union, if it seemed good to them.

LII. This was manifestly acknowledging the *French* to be the rightful Proprietors of all the Islands which they were then in Possession of: For if the *English* had thought on disputing St. Lucia with them, they would not have failed to enter an Exception against it.

Such were the principal Stipulations in this Treaty. How soon the *Sieur de Vanderoque*, Governor of *Martinico* and St. Lucia, had Information of it, he sent a Deputation to the *Sieur Houel*, inviting him to cede to the said Union, and to the Treaty which should be entered into with the *Caribbeans*.

LIII. The Treaty with the *Caribbeans* was in effect concluded by the *Sieur Houel* on the 31st of *March* 1660; in which the Deputies of the *Sieur de Vanderoque* were principal and contracting Parties.

This new Treaty not only confirmed to the *Caribbeans* the Possession of St. Vincent and *Dominico*; but fifteen of their principal Chiefs, who represented all the rest, demanded that they should retain their Missionaries; and they likewise put their Islands under the Protection of the *French*, who were to defend them against all those who might make Attempts upon them. It was in consequence of this Treaty, that the *French* and *English* enjoy'd Peace with the *Caribbeans*, and that the Rights of the two *European* Nations were acknowledged by these Savages, who had hitherto contested them.

LIV. Now, the *French* were then notoriously in Possession of St. Lucia, and consequently not only the *Caribbeans*, but the *English* who signed that Treaty, have acknowledged the
Right

St. Lucia. Right of *France* to that Island, as 'the same *Caribbeans* at that time acknowledged the Right of the *English* to those Islands of which they had taken Possession. By this Treaty the *Caribbeans* likewise renounced all Pretensions to dispose, not only of the Islands planted by the *English*, and the *French*, but even of those of *St. Vincent* and *Dominico*, which they were solely to possess themselves under the Protection of *France*. In fine, this Treaty is the most solid Foundation of all Property in the *Caribbee* Islands, and can never be invalidated but by new Conventions between the contracting Parties.

LV. As soon as it was concluded, the *Sieur Houel* gave notice of it to the *Sieur Vanderoque*; and by his Letter of the first of *April*, in the same Year, which is preserved in the Registers of the Supreme Council of *Martinico*, he desires him to cause the Conclusion of the Peace to be published every where thro' *Martinico* and *St. Lucia*.

LVI. What more solid Title can be imagined, whereon to found the Right of Property, than solemn Acts entered into, in order to secure to each Nation the peaceable Enjoyment of what they were then in Possession of, by which they became mutual Guarantees to one another? In such Circumstances, the Proof of the Possession becomes an irrefragable Proof of the Property.

LVII. We must not omit taking notice here, that in *Cromwell's* Time Acts of *Hostility* were commenced between *France* and *England*, tho' at the same Time it did not appear there was any Declaration of War on either Side. This sort of Rupture, if it may be so called, was put an End to by a Treaty of Peace, signed at *Westminster* the 3d of *November* 1655. The *French* were then in full and peaceable Possession of *St. Lucia*; they had a Fort, a Commandant, and a Garrison upon it: The
English

English had seized on the Forts of *Pentagoet*, *St. John* and *Port-Royal* in the Continent of *North America*. *France* demanded their Restitution, and by Article XXV. of the Treaty, the Decision was referred to Commissaries and Arbiters appointed for that Purpose. Can it be doubted that if *St. Lucia* had belonged to the *English*, or that they had had the smallest Pretension to it, they would have neglected to demand its Restitution, or at least a Compensation for it?

LVIII. A peaceable Possession, which has been neither quarrelled nor disputed in a Treaty of Peace, has been regarded, at all Times and in all Nations, as a lawful Possession, confessed and acknowledged for such. Whoever should undertake to destroy such a Principle, would overthrow the firmest Basis of the publick Tranquillity, and reduce the World to a State of perpetual War.

LIX. Thus it may be said, that the Right of the *French* to *St. Lucia* has been acknowledged, equally, by the *English* Government in *Europe*, and by the *English* in *America*, who never formed the least Opposition to it till the Year 1663 or 1664.

LX. In effect, a short Time after the Treaty of Peace concluded with the *Caribbeans* in 1660, while, by means of the Care which the *French* had taken to cement the publick Tranquillity in *America*, the two Nations enjoyed some Sort of Tranquillity in their Settlements, there were not wanting some of the *English*, who sought to take Advantage of this Opportunity, to invade and usurp the Possessions of the *French*: But before we speak of their first Enterprize on *St. Lucia*, it will be necessary, for the better understanding of the Facts, briefly to relate the Changes which happened in the Property of the *French* Islands till the Year 1674.

St. Lucia.

LXI. The *Sieur de Vanderoque*, who commanded at *Martinico* and *St. Lucia*, being dead, and the Children of the *Sieur du Parquet* still under Age, the King, by Letters of the 5th of *April* 1663, appointed the *Sieur Clermont d'Iel* to command both at *Martinico* and *St. Lucia* for the Space of three Years, which yet did not hinder there being at the same Time a particular Commandant at *St. Lucia*, who was the *Sieur Bonnard*.

LXII. About this Time the Heirs of the *Sieur du Parquet* were divested of their Property in *Martinico* and *St. Lucia*. His Majesty, by an Edict in his Council of State of *April* 17, 1664, ordained that the Proprietors in the Company of the *American* Islands, and the private Proprietors of the said Islands, particularly the Heirs of the *Sieur du Parquet*, Proprietors of *Martinico* and *St. Lucia*, should make a Report of their Titles, and the Prices they paid, in order to be reimbursed of the Prices of Sale, and the Expences they had been at in Improvements, as the Edict bears, which was given in *May* 1664, for the Establishment of a new Company of the *West-Indies*.

LXIII. The new Company made an Agreement with the Heirs of the *Sieur du Parquet*, who sold and ceded to them both *Martinico* and *St. Lucia*, for the Sum of two hundred and forty thousand Livres, by Contract of the 14th of *August* 1665; this is the second Contract of Sale, an incontestable Proof of Property.

LXIV. These Islands, as well as the other Possessions of the Company, were united to the Crown, by an Edict of the Month of *December* 1674, which laid the Trade open to all his Majesty's Subjects,

LXV. But to return to the Year 1663, the *Sieur de Tracy* was appointed by Letters of the King, of *October* 19th, his Lieutenant General in *America*; and the same Year *Charles II.*

King

King of England, by Letters of June 8th, appointed Lord Willoughby Governor and Captain General of Barbadoes, St. Christopher's, Nevis, Antegoa, Montserrat, and all the other Caribbee Islands. *St. Lucia.*

LXVI. We shall not here take up Time, in making Reflections on the Titles, which the *English* Governor in Chief arrogated to himself. Qualities which any one assumes, which are besides destitute of all Possession, have never constituted Titles of Property, and much less can they serve to divest others of those Titles which they possess.

LXVII. It is not known on what Pretext, nay, it is believed it was without Orders, that Lord Willoughby, on his Arrival at these Islands, by one and the same Act, broke through all the Engagements contracted with the *French* and *Caribbeans* in 1660, by giving the Commission of Governor of *Dominico* to a Mongrel, called *Thomas Warner*, the Bastard of an *Englishman* of that Name, and a *Caribbean* Woman, who lived among the Savages; and, according to Father *du Tertre*, went naked like them, and professed no other Religion than theirs.

LXVIII. This Attempt upon *Dominico* came to nothing, but the same *Thomas Warner* was employed to make a Bargain with the *Caribbeans* for *St. Lucia*; on this Foundation, and on pretence that the *English* had formerly had a Settlement on this Island, a considerable Armament was fitted out to take Possession of it.

LXIX. It is no difficult Matter to refute the Reasons with which they have endeavoured to give a Colour to this Manner of Proceeding, at a Time when there was a profound Peace between the two Nations.

LXX. The first is the Bargain which, as they say, they had

St. Lucia. just made, with the *Caribbeans* for that Island. It has been alledged, that the *English* by giving a few Bottles of Brandy to some of these Savages, had made them say whatever they thought fit. The Title of this pretended Acquisition has never been yet produced; but when it shall appear, a very simple Answer may be given, admitting of no Reply: Could the *Caribbeans* sell an Island of which they had divested themselves by the Treaty of 1660? And could the *English* honestly purchase an Island of which the *French* were in Possession? A Possession evidently proved even by the Surrender of the Fort, and the Capitulation of the Governor.

LXXI. The second Reason, drawn from the Possession of this Island by the *English*, a long Time before the *French*, has been already sufficiently explained and refuted.

LXXII. On the first Intelligence received at *Martinico* of a projected Descent on *St. Lucia*, the Supreme Council assembled to deliberate on the Measures to be taken for preventing the Irruption of the *English*; a new Fort was projected, and the Relations of the *Sieur du Parquet's* Children met together to consult about the Means of preserving their Father's Succession. A Deputation was sent to *Barbadoes* with Instructions, Documents and Titles; but they had been hitherto in such great Security, occasioned by Peace and an undisturbed Possession, that the Blow was struck before they had Time to defend it.

LXXIII. While the Inhabitants of the *English* Islands were every where in motion to seize on *St. Lucia*, by open Force and in Time of entire Peace, Lord *Willoughby*, the *English* General, wrote a Letter to the *Sieur de Tracy*, Governor of *Martinico*, wherein he assured him that he had no Concern in
what

what was carrying on against *St. Lucia*, and that this Enterprize had been formed without his Orders or Participation.

St. Lucia.

LXXIV. The *Sieur de Tracy*, a Gentleman of *Picardy*, and a Man of great Honour and Sincerity, sent Lord *Willoughby's* Letter to *M. Colbert*, which was shewn in the Original to the Commissaries of his *Britannick* Majesty in 1687.

The *Sieur de Tracy* answered Lord *Willoughby* to this purpose.

LXXV. " It appears by your Letter, that they are your
" People, who have made a Descent on this Island, without
" having your Commands for it. If they have made this
" Attempt without your Participation, they have failed in their
" Respect to you ; if you have consented to it, of which I
" doubt after what you write me, it is a disagreeable Circum-
" stance to a Person of your Quality and Honour, to see himself
" only suspected of being the Cause of any Misunderstanding
" between two great Princes, who are such near Neighbours
" to one another."

LXXVI. In the mean time those who carried on this Enterprize, having appeared before *St. Lucia* in 1664, the *Sieur Bonnard*, the Governor, was besieged in the Fortrefs of *Chocq*, and obliged to surrender by Capitulation the 23d of *June* in the same Year ; this Capitulation was besides far from being religiously observed, seeing the Cannon and Baggage were detained, altho' they had engaged to give them up ; a new Proof that this Invasion was not carried on by publick Authority. Further, it does not appear, that the *Caribbeans* ever regarded this pretended Bargain, of which we have spoken above, as a real and serious Act, seeing they immediately fell to disturbing the *English* in their new Establishment.

LXXVII. The

St. Lucia.

LXXVII. The Extremities to which the latter found themselves reduced in *October* 1665, as well by the continual Incursions of the Savages, as by Famine and Distempers, were so great, that they sent six Deputies to *Martinico*, in order to make a Restitution of *St. Lucia*. The Declaration which they made, is preserved in an authentick Act of the 21st of *October* 1665, the Words of which are here faithfully transcribed.

LXXVIII. The six Deputies declare, that “ the *English* in
 “ the preceding Year had seized and taken Possession of the
 “ said Island from the *French*, not believing that they did them
 “ any wrong, but that they are now sensible of their Crime,
 “ from the Chastisements with which God has afflicted them,
 “ because they have learned that they have usurped the Posses-
 “ sion of another ; and they earnestly supplicate Messieurs de
 “ *Clodoré* and de *Chambré* (the one Governor and the other In-
 “ tendant of *Martinico*) to resume the Possession of the said
 “ Island and the Forts therein, and the great Guns which they
 “ found there, belonging to the *French*, when they seized it,
 “ and to deliver them from the Misery they suffer, which is so
 “ great that the Bloody Flux, Famine, and their continual
 “ Wars with the *Caribbeans*, have reduced them from thirteen
 “ hundred, their Number when they first landed on the Island,
 “ to eighty-nine, their Number at present ; obliging themselves
 “ immediately to deliver up the said Island, Forts, Cannons
 “ and Arms, and to see the present Act ratified by the Gover-
 “ nor, Soldiers, and Inhabitants.”

LXXIX. Dispositions were making to take Possession of the Island again, when Lord *Willoughby* made a Promise to the *English* Governor of *St. Lucia* to send him Succours ; on which Assurance he caused his Deputies to be disowned.

LXXX. From

LXXX. From these Facts it appears, that there is a good Foundation for calling in question what was alledged, without any Proof, on the Part of the *English* Commissaries in 1687, in order to invalidate the Authority of this Act of Restitution, namely, that it had been made without the Orders or Permission of the *English* Governor of *St. Lucia*, by some of the Inhabitants who had taken refuge at *Martinico*, and whose Misery was so extreme, that the *French* took Advantage of it to induce them to make that Declaration. But had Matters been so, would not these Inhabitants, when at their own Disposal, have protested against an Act which had been extorted from them? Besides, what use could the *French* have then pretended to make of an Acknowledgment, procured entirely by Violence or Deceit? Lastly, would it not have been absurd, on an Act of this Nature, to make Preparations for receiving the peaceable Restitution of *St. Lucia*, a Circumstance of which the History of the Time makes mention, and makes it very evident that the Declaration of these Deputies was neither the Effect of Violence nor Deceit; but that the Governor of *St. Lucia*, measuring his Rights and his Actions by his Abilities and his Hopes, retracted what he had authorised, and disowned his Deputies, when he imagined it was in his Power to support himself in his new Establishment.

LXXXI. His Hopes were however vain; he was obliged, after having refused to ratify the Engagements which his Deputies had entered into by his Orders, to confirm them by his Conduct, by abandoning the Island and the Fort, which he did in *January* 1666.

LXXXII. From all these Facts and Circumstances thus explained, a Judgment may be formed of the Merit of the Interpretation given to them by the Commissaries of his *Britannick*

Memorial of the French Commissaries.

St. Lucia, *nick* Majesty in 1687, and of the Answer made by the Commissaries of the late King.

LXXXIII. The Memorial of the *English* Commissaries has these Expressions.

“ And sofarasmuch as it is alledged, that in the Year 1664
 “ (it was the Year 1665) the (*English*) Governor of *St. Lucia*
 “ sent six Deputies to *Martinico*, to make a Declaration to the
 “ Governor and the Council of that Colony, that the *English*
 “ had unjustly seized on the Island of *St. Lucia*, and that for
 “ that Reason they had abandoned it; on the contrary, it is
 “ certain, that the *English* being reduced to great Necessities
 “ in the said Island, and failing of the Provisions and other
 “ Necessaries which they expected from the Governor of *Bar-*
 “ *badoes*, some of them retired to *Martinico*, without the Or-
 “ der or Permission of the Governor of *St. Lucia*; and making
 “ great Complaints of the Miseries they had suffered by the
 “ Bloody Flux, Famine, and continual Incurfions of the *In-*
 “ *dians*, begged Assistance to be passed to *Barbadoes*; and in
 “ order to obtain it the more easily, the *French* persuaded them
 “ to make an Acknowledgment before the Governor and
 “ Council of *Martinico* of their Right to *St. Lucia*; which
 “ coming to the Knowledge of *Robert Cooke*, Esq; Governor
 “ of the said Island, he immediately dispatched a Message to
 “ the Governor of *Martinico*, disowning all that had been
 “ transacted or declared with respect to *St. Lucia* by these Per-
 “ sons, because they had no Authority or Power from him
 “ so to do; as likewise appears from the most authentick Ac-
 “ counts of the *French* themselves.”

LXXXIV. But, on the contrary, it is evident, from the most authentick Accounts, that these Deputies had been sent by the Governor and the *English* Inhabitants of *St. Lucia*, and that they

they had been disowned only because the Governor refused *St. Lucia*.
his Hope of being able to maintain his Settlement, by means
of the Succours promised him by Lord *Willoughby*.

LXXXV. The Commissaries of the King, with respect to the Fact in Question, were satisfied with making Answer, “ that this had been proved by a formal Act, the Truth where-
“ of was evidenced by the effective Desertion of the said Island
“ by the *English*, a few Days after the Return of the said De-
“ puties to *St. Lucia*.”

LXXXVI. To this Reply they subjoined a Fact, never answered by the *English*, and indeed incapable of it, which clearly solved all Difficulties, and rendered the Disavowal of Mr. *Cooke*, and the Motives determining him to it, a Matter of no Consequence; for it was proved, that the taking Possession of *St. Lucia* in 1664 was an Act of Usurpation, committed without the Orders or Participation of Lord *Willoughby*, chief Governor of the *English* in that Part of *America*: This Fact rested without any Reply on the Part of *England*. Then the original Letter of Lord *Willoughby* was produced; and here follows the Answer made by the Commissaries of the King on this Article.

LXXXVII. “ Moreover, the *French* produce an original
“ Writing of the Lord *Willoughby*, at that Time Lieutenant-
“ General for his *Britannick* Majesty in *America*, directed to
“ M. de *Tracy*, Lieutenant-General of the *French* Islands,
“ whereby he declares, in express Terms, that it was without
“ his Orders or Participation, that the *English* had made a De-
“ scent on *St. Lucia*.”

LXXXVIII. The Answer of the *Sieur de Tracy* to Lord *Willoughby* has been already related, wherein it is equally a Question that *St. Lucia* had been invaded without the Participation of

St. Lucia. this *English* Governor: It cannot, nor ought it to be presumed, that the Administration of *England* can or will found a Title of Property on an Enterprize every way so unjust.

LXXXIX. The Desertion of *St. Lucia* by the *English* happened a few Days before War was declared between the two Nations in *Europe*; the Declaration of *France* being dated the 26th of *January* 1666, and that of *England* the 9th of *February* following; so that it may be said *England* was no longer in Possession of *St. Lucia* at the Beginning of the War, and that they had in some sort restored it to *France* by that Evacuation.

XC. This War was of no long Duration; it was concluded the following Year by the Treaty of Peace signed at *Breda* the 31st of *July* 1667. While Hostilities lasted, the *French* had seized on *St. Christopher's*, *Antegoa*, and *Montserrat*.

XCI. In the Uncertainty of Events, the Treaty of *Breda* re-established Things on the same Footing whereon they had been before the Commencement of the War.

The King, by Article VII. restored to *England* that Part of *St. Christopher's* which she possessed before the 1st Day of *January* 1665; that is to say, as the Treaty itself explains the Sense which ought to be given to that Epocha, before the Declaration of the last War. "All Thing however, as the "Ninth Article bears, shall be re-established in the same Condition in which they were at the Beginning of the Year 1665, "that is to say, before the Declaration of the present War."

XCII. By Article X. *Acadia*, which had been seized by *England* in 1654, was restored to *France*.

By Article XII. *France* promises the Restitution of *Antegoa* and *Montserrat* to *England*, which had been possessed, as the Treaty

Treaty bears, by the King of *Great-Britain* before the Com- *St. Lucia.*
mencement of the War.

“ And reciprocally the King of *Great-Britain* shall restore
“ and surrender to the Most Christian King, in the Manner
“ above expressed, all the Islands, Countries, Fortresses, and
“ Colonies, in whatsoever Part of the World they are situated,
“ which he possessed before the 1st Day of *January* 1665, and
“ which may have been, or may be, taken by the Arms of
“ the King of *Great-Britain*, before or after the signing of
“ the present Treaty.”

XCIII. Article XV. again confirms, that by the Time prior to the Epocha of the Year 1665, it was intended to fix the Time prior to the Hostilities; and it would be a Piece of obstinate and wilful Blindness not to acknowledge, that the Spirit of the Treaty was to replace each Nation in the same State and Condition wherein they had been before the War.

XCIV. Hence it follows, that it being incontestably proved, that the *French* were in quiet and peaceable Possession of *St. Lucia* from 1643 till 1664, they ought, by the Treaty of *Breda*, to have re-entered into Possession of that Island, even though the *English* had not abandoned it of themselves in the Beginning of *January* 1666; seeing that by the Treaty of *Breda*, it was agreed that all Things should be restored to the same Condition in which they were before the War. Now, before the War, the *English* could not found a lawful Title of Possession on the Attempt made on that Island in 1664, in the Time of entire Peace, an Invasion besides disavowed by the Lord *Willoughby*, and which consequently could never be considered by *England* as a lawful Title of Property.

XCV. It is evident, when the Treaty of *Breda* was concluded, that if the *English* Court had imagined they had

St. Lucia. any Pretensions on St. *Lucia*, which had reverted to the Possession of *France* eighteen Months before, that would have been the proper Time for challenging it, and that they would not have failed to have done it; but the smallest Mention was not made of it on their Part, and during the twenty following Years the *French* continued in Possession without meeting with the least Trouble or Opposition from the *English*; which is an undeniable Proof, that at the Time of the Treaty of *Breda* they acknowledged the lawful Possession of that Island by the *French*, as they did that of the other Islands which *France* possessed by the same Title in *America*.

XCVI. In effect, when the Commissaries of the King, in 1687, challenged the Treaty of *Breda*, as a Title which confirmed the Property of St. *Lucia* to the *French*, the Commissaries of his *Britannick* Majesty, far from pretending to found a Title on it in their Favour, were sensible how preposterous it would have been, not only to equivocate on the Epocha prior to the Month of *January* 1665, contrary to the Tenor and Spirit of the Treaty, which tended expressly to restore each-Nation to the respective Rights they enjoyed before the War; but also how opposite it would have been to all Principles, to found a Title on an Invasion, the Injustice whereof was made sufficiently manifest by the Disavowal of Lord *Wilboughby*. They founded their Title on their pretended Possession of 1605, which has never been proved, and indeed never existed; and on this, that the Right of *England* had not been interrupted since that Time; which is entirely destroyed by the Possession proved to have been in the *French* from 1643 till 1664, and from 1666 till the Time when these Negotiations were carrying on. As it was easy to shew how ill these Allegations were founded, the Answer made to them by the
Com-

Commissaries of the King, was never replied to on the Part of *St. Lucia*.
England.

XCVII. The Treaty of *Breda* of 1667, was confirmed by Article XIX. of the Treaty of Neutrality, concluded at *London* the 16th of *November* 1686, between the late King and *James II.* as far as related to the Possessions of the two Kings in *America.*

XCVIII. The Intention of this Treaty was to secure to each Nation the peaceable Enjoyment of what they possessed in *America*; and consequently it ought to have secured the *French* in the peaceable Enjoyment of *St. Lucia*, into the Possession of which they had re-entered twenty Years before, by the Desertion of the *English* in 1666, since it had been agreed, by Article IV. that each of the said Kings of *France* and *England* should keep and hold his Dominions in *America*, in the same Manner as he then enjoyed them; especially as in *Europe* there was no Reason to presume, that the *French* had not been in full and peaceable Possession of *St. Lucia* ever since the Year 1666.

XCIX. It is true, that while they entered into Engagements in *Europe*, to exercise no Acts of Hostility, and do no Prejudice to the respective Subjects of the two States, Mr. *Temple*, Captain of a Man of War, had been sent by the Governor of *Barbadoes* to take Possession of *St. Lucia*, and drive out the *French*. He executed his Commission in part; he made a Descent upon the Island, pillaged the Inhabitants, drove out Part of them, carried off some free Mulattoes, and committed Hostilities which War alone can authorise; this is proved by the Declaration of several Fugitives made at the Greffé or Register of *Martinico* on the 27th of *August* 1686.

Nevertheless,

Memorial of the French Commissaries.

St. Lucia. Nevertheless, all these violent Proceedings did not procure a Settlement to the *English* in *St. Lucia*, and a Part of the old Inhabitants still remained.

C. As soon as Intelligence of these Violences was received in *Europe*, the King caused Complaints to be made of them in *England*; and his Majesty, resolving nevertheless to secure his Rights, so unjustly attacked in the Time of profound Peace, and even when the Assurances to do his Subjects no Damage in *America* were renewed by a solemn Treaty, gave Orders, dated *August* 25th 1687, to the *Sieur de Blenac*, to send the *Sieur d'Amblimont*, Commandant of a Ship of War, to *St. Lucia*, in order to summon the *English* Vessels which should be found there to retire; and in case of Refusal to oblige them by Force, and likewise to give Assistance to his Subjects still remaining there.

CI. It was on these Complaints preferred by the King, that *England* proposed to name Commissaries to determine, not only the Disputes concerning *St. Lucia*, but likewise those subsisting between the two Nations with respect to the Settlements on the Bay to the North of *Canada*, called by the *English* *Hudson's Bay*. The Commissaries were appointed about the Beginning of the Year 1687.

CII. Several Memorials were presented on both Sides concerning the Property of *St. Lucia*; but as we have already treated of their Contents, we shall not here repeat them.

It only appears that the last Memorial of the Commissaries of the King was never answered; the *Sieur de Bourepas*, one of the two Commissaries, gave an Account of it to *M. de Seignelay*, by Letter dated the 10th of *July* 1687.

CIII. "You have here, says he in his Letter, our Answer
"to the last Memorial delivered to us on the Affair of *St. Lu-*
cia;

“*cia*; we laid it before the *English* Commissaries at the last *St. Lucia*.
 “Conference; they received it without making any Answer
 “when I read it over before them. I believe we have cleared
 “up this Affair as much as possible; their confessing in this
 “Memorial that the *French* had been in Possession of the Island
 “ever since the Year 1643, the Capitulation granted when they
 “made themselves Masters of it in 1664, which shews that
 “the *French* had then a Fort and Garrison on it, their aban-
 “doning it a short Time after, and the twelfth Article of the
 “Treaty of *Breda*, which bears that the *French* shall remain
 “in Possession of what they occupied before the War, give a
 “formal Decision to this Question.”

CIV. This Negotiation was suspended, in Expectation it might be concluded after the Meeting of the first Parliament; and in the Interval a new Treaty was proposed, whereby they entered into mutual Engagements to abstain from Hostilities.

CV. The Troubles succeeding in *England*, which were soon after followed by a War, prevented the Thread of the Negotiation being resumed, and the Disputes in *America* being terminated; but, altho’ nothing was decided, *St. Lucia* has still continued to be inhabited by the *French*, the *English* having made no Attempts to seize it; and the peaceable Possession in which they have been suffered to remain, may and ought to be regarded, with good Reason, as a Confession and tacit Acknowledgment of their Right of Property to that Island.

CVI. From hence a new Proof of Property in favour of *France* may be likewise deduced, seeing that by Article VII. of the Treaty concluded at *Ryswick* the 20th of *September* 1697, the two Kings mutually promised Restitution of all that they possessed before the War; now, ever since 1666, the *French* had

St. Lucia. had re-entered into the peaceable Possession of *St. Lucia*: the Disturbance which the *English* occasioned in 1686 was followed by no Establishment on their part, and they were not even able to succeed in driving out all the *French*, some of whom took refuge in the inland Parts, and returned to the Possession of their Effects as soon as the Absence of the *English*, and the Arrival of a royal Frigate to their Assistance, permitted them to do it with Safety.

CVII. We find that, in 1700, the *French* had Houses and Settlements at *St. Lucia*; so that 'tis evident, that since the first Time they took Possession of it, they have never once abandoned it, excepting for a few Moments when they were obliged to yield to superior Force; whereas if we except the Invasion by the *English* in 1664, we shall find that since that Period until the Enterprize carried on in the Name of the Duke of *Montagu*, all their different Attempts on this Island have never in any Degree gone the Length of an Establishment.

CVIII. What is here advanced with respect to the Condition of this Island in 1700, is proved by a Letter of Mr. *Grey*, Governor of *Barbadoes*, to the Marquis d'*Amblimont*, Governor of the *French* Islands. This Letter, dated the 23d of *June* in the same Year, imports, that some *Frenchmen* had built Houses on *St. Lucia*; that it is not doubted but the Sieur d'*Amblimont* will take the necessary Measures to make them withdraw; but that if he fails, Mr. *Grey* gives him to understand that he will be obliged to have recourse to Force.

CIX. The Sieur d'*Amblimont* made Answer, on the 13th of *July* in the same Year, that *St. Lucia* appertained to the King; and that if any Attempts were made to disturb the *French*, he would look upon them as Acts of Hostility, and repel Force by Force.

The

The King, being informed of these Transactions, ordered *St. Lucia*. *M. de Tallard* his Ambassador, to enter a Complaint at the *British* Court. It appears by the Answer given to *M. de Tallard*, that *England* did not intend to support that Pretension, and that the Governor of *Barbadoes* had Orders to do nothing which might interrupt the Peace and good Correspondence, then prevailing between the two Kingdoms. A Proof of this is extant in the Orders sent by the King to *America* in 1701, where these Facts are related; so that in 1700 the Government of *England* acquiesced in some measure to the Possession of *St. Lucia* by the *French*.

CX. The War which preceded the Peace of *Utrecht*, produced no particular Event relating to *St. Lucia*; the *French* preserved their Settlements on it, in which they have never been disturbed but in Times of Peace, and by private Enterprizes.

CXI. Who can doubt, that, in the Circumstances of the Treaty of *Utrecht*, if the *English* had believed themselves well grounded in their Pretensions on *St. Lucia*, they would not have claimed it, and have exacted its Restitution in express Terms, as they did the Cession of the *French* Part of *St. Christopher's*, which is likewise one of the *Antilles*: Would it not have been more natural to demand a Restitution than a Cession? But no more mention was made in the Treaty of *St. Lucia* than of *Martinico*, and the *French* remained Proprietors of both by the same Title, seeing that after a War each continues in his Rights and Possessions, if nothing is stipulated to the contrary in the Treaty of Peace which concludes it.

CXII. In the Month of *August* 1718, the King made a Gift of *St. Lucia* to the Marshal *d'Esstrées*: This new Proprietor appointed a Governor, and in 1719 sent thither a Complement of Staff Officers with several Families.

St. Lucia. The *English* upon this made a Noise about their Rights; and altho' they had no Reason to complain of this Establishment, the Duke of *Orleans*, Regent of the Kingdom, out of regard to the *British* Court, consented to suspend the Progress of the Settlement, and to ordain that things should be restored to the same State in which they had been before the Cession made to the Marshal *d'Estrées*, until the Right the King had to that Island should be explained to his *Britannick* Majesty.

CXIII. In consequence of this, the Council of Marine gave Orders in the Month of *February* 1720, not to evacuate *St. Lucia*, but that all the Families, except those who had been established there before that Cession, and that the Officers, Cannon and Arms sent thither by the Marshal *d'Estrées*, should be withdrawn from the Island.

It appears that this Condescension on the Part of *France* did not meet with the Return that might have been expected, since about the same time the King of *England* made a Grant of *St. Lucia* and *St. Vincent* to the Duke of *Montagu*.

CXIV. Complaints were made to the *British* Court, but no Redress was had; on the contrary, and at the same Time, a considerable Armament was prepared at *London*, in order to take violent Possession of these Islands.

CXV. Orders were given to the *English* Ships of War to assist the Agent of the Duke of *Montagu* in his Undertaking. Mr. *Uring*, who had the Care of that Expedition, and was appointed Governor of the new Colonies by the Duke of *Montagu*, landed at *St. Lucia* in *December* 1722; he began by entrenching and fortifying himself, and on the 30th of the same Month he published a Proclamation, ordering all Strangers (that is to say, the *French*) who had Houses and Settlements on the Island, to submit to the Government of *England*, or to retire

retire elfewhere, on pain of military Execution. What appears *St. Lucia*.
 moſt ſingular in this Proclamation, is its bearing that the Right
 of *England* to *St. Lucia* had been acknowledged and con-
 firmed by the Treaty of *Utrecht*, and ſeveral other Treaties and
 Conventions.

CXVI. It is difficult to conceive how they could pretend to
 found the Right of *England* to *St. Lucia*, on authentick Trea-
 ties, wherein not one Word of that Iſland is mentioned ; a new
 Proof that this Enterprize, as well as the preceding, was the
 Effect of private Intereſt, and no premeditated Operation of the
 Government.

CXVII. But while Mr. *Uring* was thus commanding the
French to quit *St. Lucia*, the Chevalier *de Feuquieres*, Governor
 in chief of the *French* Iſlands, notified to him the Orders he
 had received from the King, which were conceived in the fol-
 lowing Terms.

CXVIII. “ His Majeſty having been informed, that the King
 “ of *England* has made a Grant of the Iſlands of *St. Vincent*
 “ and *St. Lucia* to the Duke of *Montagu*, has cauſed Com-
 “ plaints to be made concerning it to the Court of *England* :
 “ It has been affirmed, that neither of thoſe two Iſlands ap-
 “ pertained to that Crown ; the firſt being the Property of the
 “ *Caribbeans*, according to Conventions made with that Peo-
 “ ple, and the ſecond belonging to his Majeſty, who has been
 “ willing to ſuſpend that Settlement at the Requeſt of the King
 “ of *England*. Notwithſtanding theſe Reaſons, his Majeſty has
 “ been informed, that, ſo far from this Grant being revoked,
 “ the Duke of *Montagu* is on the contrary making Diſpoſiti-
 “ ons to take Poſſeſſion of theſe Iſlands, and to tranſport a
 “ Number of Families thither. This Enterprize being con-
 “ trary to the Rights of his Majeſty, his Intention is, that, in

St. Lucia. “ case the *English* persist in their Designs to take Possession of
 “ *St. Lucia*, and settle themselves therein, the *Chevalier de Feu-*
 “ *quieres* shall cause them to be summoned to withdraw in the
 “ Space of fifteen Days, inasmuch as that Island appertains to
 “ *France*, and if they do not obey, shall constrain them to it
 “ by Force of Arms. He shall take care to commit this Ex-
 “ pedition to the Charge of wise and prudent Officers: His
 “ Majesty desires there may be as little Effusion of Blood as
 “ possible; he likewise desires there may be no pillaging; he
 “ only wishes that the *English* may retire, and not seize upon an
 “ Island appertaining to him. GIVEN at *Verfailles*, the 21st of
 “ *September* 1722. Signed, LOUIS.

CXIX. The *English* took advantage of this Delay of fifteen Days, allowed them in the Summons, to put themselves in a Condition of Defence, and to send to the Governors of the *English* Islands for Assistance; and for this purpose Mr. *Cox*, President of *Barbadoes*, made Proposals to the Chevalier de *Feuquieres*, that Hostilities should be suspended, till notice of what passed should be sent to their respective Courts in *Europe*, and they had come to an amicable Decision. Mr. *Cox* added, that an Affair of so little Consequence, as a desert Island, ought not to interrupt the good Understanding then so happily subsisting between the two Kingdoms.

The Chevalier de *Feuquieres* made Answer, that he would listen to no Proposals but what began with the Evacuation of the Island; and the Superiority of the Forces he sent thither from *Martinico*, under the Command of the Marquis de *Cham-pigny*, not suffering the *English* to make Resistance with any Probability of Success, a Treaty was concluded the 7th of *January* 1723, whereby they engaged to evacuate *St. Lucia* in the Space of seven Days.

CXX. By this Treaty it was likewise agreed, that St. *Lucia* *St. Lucia* should be left in the Condition it had heretofore been, until a final Decision between the two Crowns; to the Rights and Pretensions of which, it was further declared, that no Prejudice was intended, or to be done by this Treaty.

Notwithstanding what had just been agreed upon, Mr. *Uring* was no sooner returned to *Antegoa*, whither he had retired after the Evacuation of St. *Lucia*, than he formed the Project of a second Enterprize upon the same Island; it is true, this new Project came to nothing.

Mr. *Uring* then turned his Views, but with as little Success, to St. *Vincent*: He sent an Officer to view it, under Pretence of wooding and watering there. The Inhabitants of the Island declared to that Officer that they would defend themselves against whoever should invade them, and that they acknowledged themselves to be under the Protection of *France*.

It may already have been observed, that they had put themselves under the Protection of that Crown by the Treaty of 1660; and this recent Declaration, made to the *English* themselves, is a new Proof that the Right of *France*, as to that Article, is incontestable.

CXXI. Since the Evacuation of St. *Lucia* by the *English*, in consequence of the Treaty of 1723, a few private Adventurers have settled there under Favour of an Article of that Treaty, which reserved to *English* Vessels the Liberty of wooding and watering on the Island. They have built a sort of Carpenters Yard there, and at the same time have openly set on foot a fraudulent Commerce with *Martinico* and the other *French* Islands.

The King caused frequent Complaints to be made to the Court of *England*, and several different Memorials passed on both

St. Lucia. both sides with respect to that Affair ; but while they were waiting till they should come to a final Decision, it was proposed in 1730, that the Island should be evacuated both by the *French* and *English*, and the respective Orders for the Evacuation were exchanged in 1731.

CXXII. In consequence of which, M. *Maurepas* wrote to the Marquis *de Champigny*, the 3d of *July* in the same Year, that as the Property of *St. Lucia* could not be finally decided, his Majesty, in order to put a stop to the open Trade carried on by the *English* in that and some neighbouring Islands, had determined to order its Evacuation, that the King of *England* had given the like Orders to Lord *Worsley*, and that till a Decision was made, it had been agreed they should not be frequented by either of the two Nations, except for supplying themselves with Wood and Water.

These Orders fixed the last State of *St. Lucia* ; but it has only been provisional and conditional, till the Dispute about its Property should be decided.

Lord *Worsley's* Departure for *England* suspended the concerted Evacuations for a Time ; but they were executed at *St. Lucia* soon after the Arrival of Lord *How*, who succeeded Lord *Worsley* in the Government in Chief of the *English* Islands in *America*.

CXXIII. These Measures nevertheless could not prevent the Continuation of the fraudulent Commerce carried on at *St. Lucia*, which was openly protected by the *English* Men of War and Guard-Ships ; and as they were every way superior to the small Craft employed by the King, they carried it with so high a Hand, that the latter durst not stop even the *French* Vessels that traded in Contravention.

CXXIV. This Trade, so alluring to the Subjects of both Nations;

Nations. occasioned some of them to return to St. *Lucia*, and the *French* happening to be in the greatest Number, Complaints were made by the President of *Barbadoes*; whereupon the Marquis de *Champigny* sent the *Sieur d'Esclieux* to publish a-new the King's Orders concerning the Evacuation of that Island.

Mr. *Byng*, the Successor of Lord *How*, in 1740, again demanded the mutual Evacuation of St. *Lucia*, where some *French* and *English* were still residing.

CXXV. It has been observed above, that, after it had been agreed on both Sides, that this Island should be no longer frequented by either of the two Nations, the *English* had not only continued to go thither, but their Guard-Ships had even protected the fraudulent Commerce carried on there. What happened in 1740 presents us with an Event still more singular.

CXXVI. Mr. *Hawke*, an *English* Captain, who carried Mr. *Byng*'s Letter demanding the reciprocal Evacuation of St. *Lucia*, before he delivered his Commission, put in at the Island, set up the *English* Flag, and made a Proclamation by Beat of Drum. It is true, that the *Sieur de Viellecourt* caused a white Flag to be set up at the Side of the *English* one, declaring to them that it was more his Right than theirs.

The Marquis de *Champigny* complained of this to Mr. *Byng*, but could obtain no Satisfaction.

War happening soon after, his Majesty sent a Garrison to St. *Lucia*, in order to preserve his Possession, and support the Establishments of his Subjects.

CXXVII. When the War was concluded, *England* made a fresh Demand that the King should cause St. *Lucia* to be evacuated, on this Foundation, that, according to the Spirit of the Treaty of *Aix la Chapelle*, Affairs in *America* ought to be restored to the same Condition in which they were before the War.

CXXVIII.

St. Lucia.

CXXVIII. Although the little Punctuality with which the *English* had observed the former Convention, which stipulated that neither of the two Nations should frequent the Island of *St. Lucia*, and the Attempts of Captain *Hawke*, might have furnished the Court of *France* with good Reasons to maintain, that the provisional Neutrality of *St. Lucia* had been broken by the *English* themselves, and that consequently they could not claim the Benefit of that Neutrality, the King has nevertheless condescended to order a new Evacuation for a Time; so that, by means of respective Commissaries, the King of *Great-Britain* may be informed of the Legality of the Rights of *France* to this Island, and that at last an End may be put to the Differences which *England* has raised about this Affair.

CXXIX. The Consideration of all that has happened on account of this Island, since its provisional Evacuation, was for the first Time agreed to, will be sufficient to evince the Necessity of speedily determining the Uncertainties that subsist with respect to this Article.

CXXX. It follows, from the simple and faithful Detail we have just given, that the Possession of *St. Lucia* is secured to *France* by all the Titles on which a lawful Property can be founded.

CXXXI. We are not afraid to say, that we have evidently demonstrated what was purposed to be proved at the Beginning of this Memorial, and which contains at the same time a summary Recapitulation of all the Proofs resulting from thence, namely :

That the *French* took Possession of *St. Lucia* when it was not occupied by any Nation in *Europe* :

CXXXII. That they have supported themselves in it for above twenty Years against the Savages, both of that and the neighbouring

neighbouring Islands, and that all that distant Time the *English* *St. Lucia*.
had never challenged their Possession :

CXXXIII. That so far from challenging a Possession, uncontested and universally known throughout all *America*, the *English* in 1660 concluded a Treaty with the *French* Governor of *St. Christopher's* and *Guardeloupe*, giving a general Invitation to those of all the other Islands possessed by the *French* in *America*, amongst whom were included those of *St. Lucia* and *Martinico*, belonging both to the same Proprietor, who was likewise a contracting Party in the Treaty :

CXXXIV. That at the same time they have themselves had recourse to the *French* to procure them Peace with the Natives of the Country, and that the Conclusion of that Peace, common to the *English*, the *French*, and the *Caribbeans*, had been notified at *St. Lucia* by a Letter of *M. Houel*, the Mediator of the Treaty :

CXXXV. That the *French*, on their side, have never intermitted their Possession of this Island ; that before the Invasions of the *English*, they have had a Succession of Governors and Commandants ; that it has belonged to private Proprietors, acknowledged as such by publick Acts ; that the Property has been confessed and established so far, that this Island has been the Subject of several Contracts of Sale, which, among all Nations, is the specifying Characteristick of Property :

CXXXVI. That, lastly, the first Invasion of a few *English* in 1664, in order to take Possession of it, was undertaken against all the Rules and Laws subsisting among Nations ; that it was in the Time of profound Peace ; that it was even publicly disavowed by the *English* Governor in Chief ; and that, lastly, it was followed by the most authentick Dereliction, seeing that the *English*, being obliged to quit the Country, after having

St. Lucia. offered to restore it to the *French*, and divest themselves of it, have finally abandoned it, and settled in the other neighbouring Islands:

That all the Invasions posterior to this, have been likewise undertaken in the Times of entire Peace, and contrary to all the Laws of Nations:

CXXXVII. That the *English*, in a word, cannot form the least well-grounded Pretension to it; and that the *French* having never renounced a Possession so well established, none can with Reason refuse to acknowledge, that *St. Lucia* appertains to them, and that it cannot be rightfully contested with them.

CXXXVIII. All that has been alledged to support the Pretensions of *England*, since the first Rise of this Dispute between the two Nations, is reduced to a few transitory Enterprizes of some private Adventurers, undertaken in Times of profound Peace, without Title, without authentick Commission, contrary to all Rules, contrary to the Tenor of all Treaties, and indeed such, that they can never produce a Title of Property.

CXXXIX. In consequence of this, the King has uniformly declared, and still does declare, that it has never been his Meaning, to do the least Prejudice to his Right, by yielding to the conditional Evacuation of *St. Lucia*; and his Majesty, in naming Commissaries to examine the Property of it, has had no other Point in View, than to make the *English* better acquainted with the Rectitude of his Intentions, the Justice of his Rights, and his sincere Desire to cultivate and entertain an Union and good Intelligence between the two Crowns and the two Nations.

Paris, the 11th of *February*, 1751.

Signed,

LA GALISSONIERE, DE SILHOUETTE.

MEMORIAL

OF

His MAJESTY's Commissaries,

In Answer to that of

His Most Christian Majesty's Commissaries,

RELATIVE TO

The ISLAND of ST. *LUCIA*.



M E M O R I A L


O F

His MAJESTY's Commissaries,

In Answer to that of

His Most Christian Majesty's Commissaries,

Relative to the Island of St. LUCIA.

I.  HE underwritten Commissaries of the King *St. Lucia* of *Great-Britain*, having considered the Memorial of the *French* Commissaries, dated the Eleventh of *February* 1751, N. S. setting forth the Right of the Crown of *France* to the Island of *St. Lucia*; they now proceed on their Part to state the Right which the King of *Great-Britain* has to that Island.

II. In doing which they will observe that Method which they think will best give Clearness to the general Argument; assert no Facts which are not authentick; and draw no Conclusions from certain Facts but what are strictly just, relating the Transactions themselves in that Order and Manner in which they happened.

III. Making their Use of each Fact for the Support of the Title of *Great-Britain*, under that Division of the general Argument

St. Lucia. Argument to which in Method it belongs, and answering the several Parts to which they object, both in the Matter and Argument of the *French* Memorial, under that Head to which each refers.

IV. The Title of the King of *Great-Britain*, with the Proofs in Support of it, and the Objections to the Foundation and Validity of the *French* Title will, by this Method, be brought under one View, to be considered by the *French* Commissaries with that Temper, Disinterestedness and Spirit of Equity, recommended by them in their Memorial. The Commissaries of *Great-Britain* have the Satisfaction of being perfectly convinced, that while they act upon these Principles and preserve this Temper, they are conforming to the Intentions and executing the Commands of their Master, who came into this Negotiation from the Motives of Justice and Friendship; desirous on the one hand in no Instance to encroach on the Rights of *France*, determined on the other to maintain His own, and sensible, at the same time, that in all Cases where two States at Peace and in Alliance have inconsistent Pretensions on the same Dominion or Territory, nothing is more sure to preserve that Peace, and perpetuate the Alliance desired by both, than the bringing such Claims to an amicable Decision.

V. But before we enter at all upon the Subject-Matter of this Memorial; we cannot but think it incumbent upon us to take some Notice of an Assertion in the Beginning of the *French* Memorial, that the Property of the Islands of *St. Vincent* and *St. Dominico* have been assured by both Nations, under the Protection of *France*, to the Native *Caribbeans*.

VI. This is a Fact which His Majesty's Commissaries cannot admit to be true, being able and ready to prove, whenever that
Point

Point shall come into dispute, that the Right in and Sovereignty *St. Lucia.* over those Islands is in the Crown of *Great-Britain.*

VII. The great Progress made by the *Spaniards* in the 16th Century in the Discovery of the *West-Indies*, and the vast Wealth they drew from thence, soon encouraged other Nations to try their Fortune in the same Way, and none sooner than the *English*. Among several others the Earl of *Cumberland*, a Subject of *England*, fitted out three Ships; which sailing to the *Antilles*, discovered the Island of *St. Lucia* in 1593; not many Years after which Expedition, Sir *Oliph Leagh*, a *Kentish* Gentleman, (having embarked some People for the *West-Indies*, where his Brother had planted a Colony) he landed Sixty-six of them in that Island in 1605, to which several *English* went over in 1606, to settle under the Protection of that Possession.

VIII. Sir *Thomas Warner*, who took Possession of *St. Christopher's*, the same Day that Monsieur *d'Esquambuc* landed there, sent an *English* Colony to *St. Lucia* in 1626, and appointed Major *Judge* Governor of that Island.

IX. In 1627 King *Charles* the First granted to the Earl of *Carlisle*, by Patent, dated the Second of *June*, all the *Caribbee Islands* or *Antilles*, the Recital of which Patent runs in the following Terms: "Whereas our well-beloved and faithful Cousin and Counsellor, *James Lord Hay*, Baron of *Sawley*, Viscount *Douglas* and Earl of *Carlisle*; having a laudable and zealous Care to increase Christian Religion, and to enlarge the Territories of our Empire in certain Lands situated to the Northward Region of the World, which Region or Islands are hereafter described, which before were unknown, and by certain barbarous Men, having no Knowledge of the Divine Power, in some Part possessed, commonly called *Caribbee Islands*, containing in them these Islands following, viz. *St. Christopher's*, *Granada*, *St. Vincent*,

St. Lucia. “*Vincent, St. Lucia, Barbadoes, Mittalanea, Dominico, Mari-galante, Dessuda, Tudos’antes, Guardelupe, Antego, Montserrat, Redendo, Barbudo, Mevis, Statia, St. Barthelomew, St. Martin, Anguilla, Sembrera, and Enegada, and other Islands before found out, to his great Cost and Charges, and brought to that Pass to be a large and copious Colony of English.*”

X. It appears from the Records of the Office of the Commissioners for Trade and Plantations, that, in Pursuance of this Grant, the Earl of *Carlisle* continued to send several Colonies of *English* to *St. Lucia*, in the Year 1635, 1638, and 1640.

XI. It is evident from the Recital in Lord *Carlisle*’s Patent, very different from the vague, general, and indistinct Words of Cardinal *Richelieu*’s Commission to Monsieur *d’Esnambuc*, that the *English* were not only well acquainted with *St. Lucia* and the other *Caribbee Islands*, but that they had actually taken Possession of them in the Name of the Crown of *Great-Britain*, a long Time before the Date of this Patent ; and it is also evident from Lord *Carlisle*’s Commission to Sir *Thomas Warner*, that he had taken Possession of all the said Islands respectively in the Reign of *James I.* who died on the 27th of *March* 1625.

XII. The *French* Historians, *Pere du Tertre* and *Pere Labbat*, agree in declaring that the *French* had no Pretensions to *St. Lucia* earlier than 1640 ; and the former of these Writers, in his Relation of the Transaction in 1640, very circumstantially proves the Possession of *Great-Britain* in 1639, and declares against any Right in the Crown of *France* to that Island, that can be grounded upon any thing, previous to the Abandonment, he imputes to the *English* after the Massacre in 1640.

XIII. Having thus stated the Facts upon which that Part of the Right of *Great-Britain* rests, which depends upon the Question of prior Discovery and Establishment, it may not be improper

proper in this Place; and before we proceed, to compare them *St. Lucia.* with what the *French* Commissioners have urged in Support of their Title from the same Foundation, to shew upon what Authorities these Facts stand, and how fully the Truth of them is vouched by the best Testimonies that can be desired in Cases of this Nature.

XIV. So far will the Facts themselves appear from being the Inventions of any particular Authors, writing upon interested Motives, and only to serve a present Occasion; and so little do the Authors who relate them come within that Number of *English* Writers described in the *French* Memorial, which general Character is equally applicable to some Writers in all Countries, is to none more justly applicable than to many of the *French* Authors themselves upon these Subjects, and can with no Degree of Truth or Justice be applied to any of those whose Works or Testimony have been cited by the *English* Commissioners in the Course of this Negotiation.

XV. The Voyage and Discovery of *St. Lucia*, by the Earl of *Cumberland* in 1593, the Men landed there by Sir *Oliph Leagh* in 1605, and the Settlement under that Possession in 1606, are all related by *Purchas*, whose Book consists of a Collection of Voyages, most of them written by the very Persons performing them, and was actually published just after the Date of these Settlements, and before the first Establishment mentioned by *Pere du Tertre*, to have been made by the *French* in any of the *Antilles*.

XVI. Lord *Carlisle's* Patent and his Commission to Sir *Thomas Warner*, are Proofs in support of the Facts which arise out of them; and the Settlements said to have been made in *St. Lucia*, in pursuance of Lord *Carlisle's* Patent in the Years 1637, 1638, and 1640, are all authentically vouched by Affidavits of Persons,

St. Lucia. who were present when these Settlements were made, taken upon Oath before Commissioners appointed by King *James* in the Year 1688, to examine into and report upon his Right to the *Caribbee Islands*, so far as it relates to this Affair, and by the Records of the Council of Trade; where, and where only, such Facts could at that Time have been properly registered and preserved, and from whence consequently they are now cited with the best Authority.

XVII. Had the *French* Commissaries followed in their Memorial, the Opinion and Authority of *Pere du Tertre*, who expressly says, that the first Possession taken of any of the *Caribbee Islands* by the *French* was in 1627, that their first Right to *St. Lucia* commenced in 1640, and that the *English* were settled in it in 1639, there would have been no Necessity for us to dwell upon this Question of first Establishment, as *Pere du Tertre* founds the *French* Title upon a Possession taken by them upon a supposed Dereliction on the Part of *Great-Britain*.

XVIII. But the *French* Commissaries, as readily as they adopt the Relations of this Writer on other Occasions, vary from his Opinion in this, and endeavouring to ground an earlier Claim than he allows upon the Words of *Messieurs d'Esneambuc*, and *Rossy's* Commission; they date their Possession from that Time, and there place the Commencement of the *French* Title.

But we cannot but hope and believe that the *French* Commissaries, when they shall again dispassionately examine the Occasion, Words and Circumstances of that Commission, they will be induced to depart from so forced, improbable; and unprecedented Construction of both the Words and Views of it, and not upon such imperfect, inconclusive, and unusual Evidence, dispute that clear Proof of prior Establishment, which we have now incontestably made out by a long Series of authentic

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tick Proceedings of Government, continued from Time to Time, *St. Lucia.*
in such a natural and uniform Manner, as seldom can be traced
in Matters happening at such a Distance of Time; but is the
most proper and-unexceptionable Proof, of any such Right as
that we are now enquiring into, where it can be as authentically
cited as it is here.

XIX. The Commission to Messieurs *d'Esnambuc* and *Rossey* in 1627, is not a Commission for *St. Lucia*; it implies neither the past Discovery nor the Possession of it by *France* at that Time, but only impowers them to take Possession of *St. Christopher's* and *Barbadoes* by Name.

XX. It is highly probable, from the Manner in which such Places are specified in the Recital, as were then known to the *French* within the Latitude of the Commission, that *St. Lucia* was not known to them; or if they did know it, their Silence about it in the Commission is some Presumption that they considered it as an *English* Island. This Supposition and Interpretation of this Circumstance, in the Commission of Messieurs *d'Esnambuc* and *Rossey*, will be greatly supported, if we recollect on the one hand that *St. Lucia* had, at that very Time, been discovered and settled by fresh Bodies of Settlers at different Times; and was again, in the very Year when this Commission was made out, granted to Lord *Carlisle* by King *Charles* the First.

And on the other, that no Evidence is offered of any Discovery by the *French* of this or any of the *Caribbee Islands*, before the very Date of this Commission; but, on the contrary, all the *French* Historians place the first *French* Discovery of any of the *Antilles* in the Year 1627, and the first *French* Claim to *St. Lucia* in 1640.

XXI. The *French* Commissioners have in this Point to contend against, not only the Credibility of *English* Writers, and a plain

St. Lucia. Series of consistent Proofs of Possession on the Part of *Great-Britain*, but also the strongest Probability that ever attended Facts in themselves, and the unanimous Testimony of their own Writers.

XXII. If the *English* had not been in Possession, as we have shewn they were, at the Time when *M. d'Esneville* received this Commission, and the Inference now drawn from it was not confuted, as it is by other cotemporary Facts, yet would this Commission be in itself a very insufficient Evidence of any Right in the Crown of *France* to *St. Lucia*; for it would be a very extraordinary and dangerous Doctrine and Example, if it should be admitted, that the bare Insertion of general Words and Descriptions, of any general Latitude into any Instrument of Government, should, conformably to the Law of Nations, convey to any People a Right in all such Lands and Territories, unforeseen and undiscovered by the People at the Time, as should afterwards be discovered and settled by any other Nation within the same Latitude. Happily for the Peace of Mankind, the Law of Nations has provided against such Uncertainty, by marking out to us, what Act shall be deemed to be such a Possession as confers a Right, and what shall not be.

XXIII. *Grotius*, in the second Chapter of the second Book, expressly says: *Primus acquirendi Modus qui juris gentium à Romanis dicitur est occupatio eorum quæ nullius sunt.*

XXIV. And *Puffendorf*, Sect. 6. Book IV. intending to guard against all Misapplications of the Word *Occupancy*, gives this Definition of such a Possession as shall convey a Right.

XXV. *Regulæ est igitur, ut occupatio rerum mobilium fiat manibus, rerum soli pedibus, vidisse autem tantum aut scire quid sit, nondum ad possessionem sufficere judicatur.*

We

We have proved a Settlement and continued Possession of *St. Lucia*.
St. Lucia long before 1627; and, therefore, how can it be treated as an Island, which in that Year was the Property of nobody? The *French* alledge no Discovery of it previous to the Date of this Commission, and not any actual Possession of it then, but upon the general Words of this Commission; and how can such an Evidence, unsupported by any subsequent Act of Government, uncoun tenanced by any Pretence of Priority of Possession, be construed to be such a taking Possession, as confers a Right even to a Country really without an Owner?

XXVI. In whatever Manner one considers this Pretension of the *French*, it offers only the Shadow of a Title, which disappears at the Approach of that more solid Right produced by the *English*.

XXVII. Was the Claim argued for by the *French*, on the Footing of this Commission, valid upon the Law of Nations as a Possession; yet it would not be valid against a so much older and clearer Right in *Great-Britain*, upon the same Argument of first Establishment.

XXVIII. And were the Proofs of the Title of the King of *Great-Britain* not sufficient, yet would not this Construction of the *French* Commission, contended for by the *French* Commissioners, be sufficient Evidence by the Law of Nations of any *French* Right in 1627.

XXIX. But the Possession of the King of *Great-Britain* in 1639, admitted by the *French* Commissioners, would still stand as the first Possession, and consequently first Right, in Opposition to any Argument that can be drawn from this Commission in 1627.

XXX. Upon the whole, therefore, the Title of the King of *Great-Britain* from prior Establishment, beginning with the
Earl

St. Lucia. Earl of *Cumberland* and Sir *Oliph Leagh's* Discovery and Settlement, is uniformly kept up from Time to Time, to the Year 1639, when the *French* Historians all admit, that we were in Possession of *St. Lucia*; in Opposition to which Course of Evidence, the *French* Historians set up nothing, but concur in all, and to which the *French* Commissaries oppose nothing, but the Recital of the Commission to *M. d'Esambuc*, their Construction of which, as making it creative of any Right, has been shewn to be forced and most indefensible at the same Time; that if it was in the View of the *French* Crown to include *St. Lucia*, as an Island belonging to *France*, the proving such an Intention would signify little, as this Island was then the Property of another Crown, and could not, in any Sense, be then deemed open to the Possession of *France*.

XXXI. We have now brought down the several Proofs of His Majesty's Right, as low as the Year 1640, when *Great-Britain* received the first considerable Interruption in her Possession of this Island; and as one of the ill Effects which have followed to *Great-Britain*, from the Massacre of this Year, is the Pretence the *French* have taken from what happened in consequence of it, to set up a Title in the Crown of *France* to the Island, We shall be very circumstantial in relating the Particulars of this Transaction, it being impossible to judge, with any Exactness, of the Arguments to be drawn from the Fact itself, without a nice Observation and continual Recollection of the Circumstances of it.

XXXII. *Pere du Tertre* gives the following Relation of it.
 “ Au mois d’Août de l’année 1640, ils firent une horrible irruption sur les Anglois mirent tout à feu & à sang, massacrèrent
 “ le Gouverneur, assommèrent la plus part des habitans, pillè-
 “ rent

“rent les magasins, brulèrent les cafes, gastèrent tous les vivres, *St. Lucia.*
“& firent tous les dégâts qu'ils purent pour venger le tort qu'ils
“en avoient reçu.”

“Ceux qui échappèrent à cette boucherie abandonnerent l'isle
“& se refugièrent à celle de Montserrat.” And speaking of
Monsieur *du Parquet's* taking Possession of the Island, building
a Fort, and beginning a Settlement there, he says, “M. du
“Parquet étant sur le point de venir en France, pour traiter
“avec la Compagnie de l'acquisition des isles de la Martinique
“& de la Grenade, & voyant cette isle abandonnée par les An-
“glois, resolut d'en prendre possession auparavant que de partir ;
“pour cet effet, il fit embarquer trente-cinq ou quarante hom-
“mes, bien munis de toutes les choses necessaires à cette expé-
“dition, sous la conduite du sieur Rouffelan, homme vaillant,
“& que la longue expérience dans les isles avoit rendu digne de
“cet emploi. A son arrivée il fit bâtir un fort, y mit de bons
“canons avec des pierriers de bronze, qu'on appelle Ramberges,
“l'environna de fortes palissades, & dans la crainte de quelque
“surprise, défendit à ses gens de s'écarter du fort, voulant qu'ils
“cultivassent une belle habitation tout à l'entour, pour y planter
“des vivres & y faire du petun.”

XXXIII. And Pere *Labbat* speaking of this Settlement, says,
“Cette isle avoit été habitée par les François dès l'année 1640 ;
“Monsieur du Parquet, Seigneur & propriétaire de la Martini-
“que, en prit possession vers la fin de cette année, comme d'une
“terre inhabitée, qui, par conséquent, étoit au premier occupant ;
“les Sauvages de Saint-Vincent & des autres isles n'y venoient
“que dans le tems de la ponte des tortues, & n'y avoient ni
“Barbets ni défricheurs : il n'y mit d'abord que quarante hommes
“sous la conduite du sieur de Rouffelan, Officier de valeur & de
“conduite qui avoit donné son nom à la rivière qui passe au fort
“Sainte-

St. Lucia. “Sainte-Pierre, à cause que son habitation étoit sur cette rivière.” And speaking of the Fort, he says, “C’est pour-
 “quoi il fit construire une maison forte, environnée d’une bonne
 “double palissade avec un fossé, il la munit de canons, de
 “pierriers & d’autres armes, & la mit en état de résister non
 “seulement aux Sauvages, s’il leur prenoit fantaisie de les vou-
 “loir inquiéter, mais même aux Européens qui voudroient s’y
 “venir établir.”

XXXIV. It is undeniably evident from these Accounts, that the Desertion of the Island by the *English* was not voluntary, but forced upon them by an inhuman Massacre; that the Possession taken of it by the *French* was within a Month after the Massacre, and not in 1643, as the *French* Commissaries have supposed; and that the *French* were at that Time persuaded that the Right to this Island was in the Crown of *Great-Britain*: For Monsieur *du Parquet* would not else have thought it incumbent upon him to give the *English* that Notice of this Massacre, being intended, which he declares he did.

XXXV. Although this Possession, so unjustly taken by the *French*, was, during the Time of the Civil War in *England*, which lasted several Years after; yet neither did the late Massacre, or the Distractions at Home, prevent the *English* from re-asserting their Right to this Island.

XXXVI. It appears from Pere *du Tertre*, that Lord *Carlisle* sent over several *English* in 1644 and 1645; and both that Author and Pere *Labbat* acknowledge, in Conformity with the Affidavits annexed to the Report cited before, that some Endeavours were used by the *English* to regain St. Lucia, during the temporary Possession of the *French*.

XXXVII. Pere *Labbat* relates a Descent made by the *English* in 1657, when, he says, they were beaten off.

XXXVIII. Upon

XXXVIII. Upon the Restoration of the Royal Family, *St. Lucia*, *Charles* the Second no sooner found himself seated in the Throne of his Ancestors, than he began to think of effectually vindicating his Right to this Island; and the ancient Proprietor *Lord Carlisle* having surrendered his Patent, one Moiety of the Revenue of the *Caribbee Islands* was granted to *Lord Willoughby* for seven Years, in which Grant *St. Lucia* is expressly named; and in the Year following, upon *Lord Willoughby*'s being appointed Governor of the *Caribbee Islands*, he was particularly instructed to assert the Right of the Crown of *Great-Britain* to all the said Islands.

XXXIX. In Consequence of these Instructions, an Agreement was made with the *Indians* for the Purchase of *St. Lucia* in 1663; and the said *Lord Willoughby* sending a Regiment there in 1664, under the Command of *Colonel Carew*, he was kindly received by the Natives, asserted the *British* Right to the Island, regained the Possession of it from the *French*, and remained there for some Time Deputy-Governor.

XL. The regaining our ancient Possession of *St. Lucia*, by *Colonel Carew*, in the Month of *June* 1664, is a Fact of great Importance, and it happens very fortunately to be attested by the strongest Proofs.

XLI. For to say nothing further of the Records of the Office of the Commissioners for Trade and the Plantations, *Pere du Tertre* himself gives the following Account of this Action.

XLII. “ Les Anglois ayant acheté, par l’entremise de *Wacnarde*, l’isle de *Sainte-Lucie*, & payé aux Sauvages le prix dont ils étoient convenus dès l’année 1633, amassèrent 14 ou 1500 hommes qu’ils mirent sur cinq vaisseaux de guerre, dont deux étoient armés de trente-six pièces de canons de fonte : *Wacnarde* & les Sauvages qui s’étoient obligés de la leur livrer, se firent de la partie, & les accompagnèrent avec 600

St. Lucia. “hommes & 17 pirogues. Cette petite armée se présenta à
 “ Sainte-Lucie sur la fin du mois de Juin de l’année 1664 ; &
 “ M. Bonnard qui commandoit le fort, qui n’étoit qu’une chau-
 “ mière, fortifiée d’une palissade, & munie de quelques canons
 “ & pierriers de fonte que l’on nomme ramberges, fit ce qu’il put
 “ pour animer les quatorze soldats qu’il avoit avec lui, & les dis-
 “ poser à se défendre ; mais la vue de ces deux petites armées
 “ les ayant effrayés, il fut lâchement abandonné de la plus grande
 “ partie, & contraint de fléchir sous les armes de deux ennemis
 “ si puissans. Il fit néanmoins une capitulation telle qu’un hom-
 “ me déjà vaincu la pouvoit faire, & il obtint des Anglois qu’ils
 “ le feroient transporter par le plus court chemin dans la Mar-
 “ tinique avec ses soldats, ses canons, les armes & tout le bagage
 “ des François ; mais il fut blâmé de n’avoir pas fait exprimer
 “ dans la capitulation l’ordre que le Colonel Anglois avoit du
 “ Roi d’Angleterre, & de ne s’être pas fait tirer un coup de
 “ mousquet avant que de rendre la place.”

XLIII. The said Pere *du Tertre* descanting upon this Action, fays ; “ Le navire de Sa Majesté, nommé le Terron, qui devoit
 “ porter les Seigneurs de la Guadeloupe, M. le Chevalier de Chau-
 “ mont & le sieur Bouchardeau en France, étoit encore à la rade
 “ & prêt à partir, lorsque M. de Tracy reçut la nouvelle fâcheuse
 “ d’un acte d’hostilité fait par les Anglois en pleine paix, par
 “ une irruption considérable dans l’isle de Sainte-Lucie : il est
 “ vrai qu’ils alleguent pour prétexte qu’ils ont été possesseurs
 “ de cette isle devant les François, & que s’ils y ont été mas-
 “ sacrés ou en ont été chassés par les Sauvages, les François
 “ ne peuvent prétendre que leurs infortunes leur donnent
 “ aucun droit de s’emparer de leurs terres, joint que depuis
 “ un an ils l’ont achetée des Sauvages qui en sont les véritables
 “ Seigneurs.”

XLIV. In the Year 1665, *Robert Cook*, Esq; was Governor of *St. Lucia*, and Lord *Francis Willoughby* dying about this Time, he was succeeded by his Brother *William Lord Willoughby*, who being made Governor of *Barbadoes*, in the Year 1666, was particularly instructed to streighten, distress and dispossess any of the *French King's* Subjects, who might attempt to possess themselves of the Islands under his Government, as appears by the Records and Books of Entries in the Office of the aforementioned Commissioners for Trade and the Plantations.

XLV. From that Time to this Day, the Island of *St. Lucia* has always been reputed a Dependance upon the Government of *Barbadoes*; and as such, has constantly been inserted in all Commissions and Instructions given to the Governors of *Barbadoes* since that Time.

XLVI. Having related the Manner in which the *English* were driven from the Island, how the *French* came immediately into Possession of it, and such Acts of Government in the Times following this Change of Possession, as it was necessary should be stated, to give a View of the whole Merits upon which the Question now to be considered, entirely does, and should rest.

XLVII. We shall proceed to enquire in the most candid and accurate Manner we can, into the Nature of Dereliction, to consider on what Principles in the Law of Nations it is founded, by what Maxims it is regulated, and how far the Conduct of the *English*, during this unwarrantable Usurpation of the *French* for twenty Years, tried by these Principles and these Maxims, amount to such a Dereliction, as in the Sense of the best Writers on the *Jus Gentium*, destroys any previous Right of Property.

XLVIII. The Principles of Dereliction laid down by the *French* Commissaries in their Memorial, are: "qu'une terre
" quoique découverte & reconnue par quelque nation, même

St. Lucia. “ quoiqu’établie, si elle avoit été par la suite abandonnée,
 “ devenoit au rang des terres vacantes, & comme telle elle
 “ étoit le partage de celui qui l’occupoit & s’en mettoit en
 “ possession. L’abandonnement est présumé de droit, lorsque
 “ l’ancien possesseur, instruit qu’un autre possède, & ayant la
 “ liberté de réclamer, garde néanmoins le silence. L’aban-
 “ donnement n’est pas moins présumé lorsque celui qui possède,
 “ se trouvant obligé & forcé de quitter un pays, ne fait aucune
 “ tentative pour y rentrer, & qu’il ne réclame point contre un
 “ tiers qui, présumant mieux de lui même, s’en met publique-
 “ ment en possession & s’y maintient : ce seroit renverser toutes
 “ les loix de la nature que de soutenir que l’on acquiert pour
 “ les autres, & non pour soi-même.”

XLIX. But this is a very partial Representation of the general Doctrine and Law, contrived with a View only to their particular Purpose; and it will be necessary, before we apply the Law to the Circumstances of the Matter in dispute, to add some other general Maxims from the Writers on the Law of Nations, more explicit and conclusive.

L. *Grotius*, after having shewn with great Force, the Necessity there is of having some such Law as this of Dereliction, established on the Consent of all Nations, to prevent extensive Countries from being with-held from the common Utility of all Nations, upon a Pretence in any one, of a Right to that which they use not, and to prevent frequent Wars being perpetually carried on, in support of uncertain and revived Titles, gives us this Definition of Dereliction.

LI. “ Factis intelligitur derelictum quod abjicitur, nisi ea sit
 “ rei circumstantia, ut temporis causâ & requirendi animo ab-
 “ jectum censeretur debeat.

“ Sed

“ Sed ut ad derelictionem præsumendam valeat silentium, duo *St. Lucia.*
“ requiruntur : ut silentium sit scientis, & ut sit libere volentis :
“ nam non agere nescientis caret effectu ; & alia causa cum ap-
“ paret, cessat conjectura voluntatis.

LII. *Puffendorf*, in the 12th Section of the 6th Chapter of his fourth Book, *de Occupatione*, says :

“ Occupatione quoque acquiruntur res, in quibus dominium
“ cui antea subjectæ fuerant, planè est extinctum ; id quod fit,
“ si vel apertè quis rem abjiciat cum sufficienti signo, quod eam
“ non ampliùs inter sua habere, sed in medio cuivis occupanti
“ expositam esse velit, & quidem nullâ cum intentione alteri inde
“ gratificandi ; vel si ab initio quidem invitus ejus possessionem
“ amittat, deinceps tamen pro derelictâ eandem habeat, vel quia
“ recuperationem desperat, vel quod tanti ejus recuperatio non
“ sit. Aliàs enim dominium rei suæ, amissâ licet possessione,
“ nemo invitus amittit, (nisi per modum pænæ, aut in bello ipsi
“ auferatur) sed retinet jus eandem recuperandi quamdiu ani-
“ mum recuperandi non deposuerit, aut deposuisse censeatur.
“ Unde talium rerum dominium per occupationem adquiri non
“ poterit, prioris domini jure adhuc subsistente. Cum autem ut
“ res pro derelictâ habeatur, duo requirantur, primò ut quis
“ nolit esse ampliùs dominus, deinde ut possessione se rei exuat,
“ abjiciendo eam aut deferendo ; alterutrum si desit, dominium
“ non amittitur. Fac ergo rem a domino abjici, non tamen eâ
“ mente ut eam ampliùs suam esse nolit, nihil hîc amittetur :
“ contra fac nolle dominum ampliùs rem suam esse, nisi eam
“ abjecerit, dominus esse non desinet.”

LIII. This Doctrine is strongly enforced by the Determination of the *Roman Law* : “ Quâ ratione verius esse videtur, si
“ rem pro derelictâ a domino habitam occupaverit quis, statim
“ eum dominum effici. Pro derelicto autem habetur, quod do-
“ minus

St. Lucia. “ minus eâ mente abjecerit, ut id in numero rerum suarum esse
 “ nolit; ideoque statim dominus ejus esse desinet.”

LIV. From these Passages it evidently results, that there can be no absolute Dereliction of any Country, but where the last Possessor leaves it voluntarily, and without any apparent Necessity; that to make such Dereliction in one People a Foundation of Right in any other coming after them, it is necessary that the Acquiescence of the first Power under the Possession of the latter, must have been an Acquiescence intended, voluntary and clearly manifested; and that neither a Desertion forced upon any People by an Enemy, nor a temporary Acquiescence under that Expulsion, occasioned by Necessity, do extinguish the Right of any People to the Country they so abandon.

LV. These are the only true Principles by which His Majesty's Right to the Island of *St. Lucia*, so far as it regards this Question, can be tried and adjudged; and unless the Commissioners of his Most Christian Majesty can clearly shew, that the Relinquishment of this Island by the *English* in 1640, was such a total Dereliction in this Sense, and in these Particulars, the established Right of *Great-Britain*, upon ancient and uniform Possession, can in no Degree be affected by it.

LVI. In the first place then, does any *French* Writer, do the *French* Commissioners themselves deny, that the *English* were forcibly driven from *St. Lucia* in 1640, by a Massacre; and if that be true, how can their Retreat from it, through Necessity, be called a voluntary Abandonment; a Desertion from Choice, without a Design to reclaim it?

LVII. It certainly was not; and yet if it was, it was no such Abandonment, as the Law of Nations declares to be the only one that can forfeit any Right in a Nation, to a Country they have once settled.

LVIII. Those

LVIII. Those who impartially reflect one Moment on the *St. Lucia*. Rise and Circumstances of that Massacre, and Flight of the *English*, must see and acknowledge that they left *St. Lucia*, *temporis causâ & non animo abjiciendi*. And, indeed, had not the *French* themselves at that Time considered it in this Light, they would hardly have made so much haste in taking Possession of it, erecting a Fort, and establishing a Garrison there, which, as Father *Labbat* justly observes, had an apparent View, not only to maintain such Possession against the *Indians*, but to prevent the *English*, or any other *European* Nation, from making any Settlement there.

LIX. It is true, indeed, two Years did pass after this Massacre and the Possession of the *French*, and no Attempt made by the *English* to recover Possession : But was not *England* at that Time oppressed with the Calamities of Civil War; and can such a very short Suspension at such a Time of her Endeavours to regain this Island, be considered as that *silentium scientis aut liberè volentis*; which, *Grotius* says, is so necessary to make a perfect Dereliction?

LX. A long Forbearance from the Re-assertion of our Right, had there followed a long one, could not have forfeited the original Right of a People, driven as the *English* were by Force from their Possession, and afterwards engaged at home in a Civil War; but if it would, no such Forbearance can be urged. We have just proved that Lord *Carlisle* sent *English* People to *St. Lucia* from *Barbadoes*, in the Years 1644 and 1645.

LXI. That both *Pere du Tertre* and *Pere Labbat* take Notice of some Endeavours used by the *English* for regaining *St. Lucia* from the *French*, even during their temporary Possession; that *Pere Labbat* particularly mentions a Descent made by the *English* in the Year 1657, which is not the less an Instance of their

St. Lucia. their having kept up a continual Claim of Right there for having been unsuccessful, and that *Great-Britain* never ceased for the shortest Time, that can give rise even to the least Notion of Prescription, though unhappily taken up at home by the Calamities of Civil War, to assert and vindicate her Right, until at last she regained Possession of the Island under Colonel *Carew*.

LXII. And surely such uniform Assertions, of so clear a Right, are sufficient to stop the Growth of Prescription, in a Case where the *French* Possession was taken within two Months after our Expulsion, by Force; and where the original Departure from the actual Residence in the Island was the Effect of a Massacre, and not voluntary, when the stolen Usurpation of the *French*, founded upon these Circumstances, was instantly strengthened, by every Sort and Method of Force and Military Fortification, on the Part of the Usurper, apprehensive of an immediate and effectual Re-assertion.

LXIII. Upon the whole, the Case really stands thus:

Had the *English* voluntarily abandoned this Island?

Had the *French* possessed themselves of it upon a long and continued Desertion?

That Possession being acquiesced in by the *English* for several successive Years, the Year 1640 might have been fatal to the *English* Claim; but all these Circumstances are wanting; the *English* were forced out of the Island by a Massacre, the *French* took that Opportunity of instantly stealing Possession of it: Even the Silence of *Great-Britain* afterwards, though in the midst of a Civil War, was but for a very short Time.

LXIV. Expeditions were undertaken, within few Years, for the Recovery of it; and the Right of the Crown of *Great-Britain* was, from that Time, continually asserted, until it was regained by Colonel *Carew*.

LXV. The

LXV. The Commissioners of *Great-Britain* cannot but hope and believe, that upon this fair Representation of the whole Matter, and this Trial of the Right of the Crown of *France* set up in consequence of its Possession in 1640, by the Law of Nations, the *French* Commissioners will be of Opinion, that *France* has no better Title from its Usurpation in 1640, than she has upon the first Consideration of prior Establishment, grounded upon the vague and premature Commission of Messieurs *d'Es-nambuc* and *Rosséy*; and, consequently, the Title, vested in the Crown of *Great-Britain* to the Island of *St. Lucia*, is not only founded upon the Priority, but also on a Continuation of the Right.

LXVI. The *French* Commissioners have, indeed, in their Memorial, urged some general Considerations against the Force of this Reasoning and these Facts; to which it will be proper to reply in this Place.

LXVII. And first to the Arguments which they have drawn from a Succession of Governors, during this usurped Possession of twenty Years, and the frequent Bargains and Sales made during that Time.

LXVIII. The Commissioners of His Majesty have already refuted any such Consequence to be drawn from hence, in proving, as they have done, the prior and subsequent Right of the Crown of *Great-Britain* to this Island, and the Invalidity of the *French* Possession, grounded only upon an Invasion, by Virtue of which, the Crown of *France* might, indeed, appoint Governors in Fact, but no ways in Right, since Monsieur *du Parquet* could not either buy or acquire from the *French West-India* Company, what did no ways belong to that Company; neither can that Contract, nor any subsequent ones, passed in *France*,

St. Lucia. legitimate this Invasion ; so all these Allegations are foreign to, and only a vain begging of the Question.

LXIX. The Commissaries of His Most Christian Majesty will give us leave to consider, a little more nearly, the general Argument upon which this Consequence is applied, in observing, that if a few Bargains and Sales of a Country, usurped by the Subjects of any Prince, passed from one to another, within his own Kingdom, should be permitted to defeat the Right of the Prince, from whom such Country is usurped, to recover the Possession of it ; it would be in the Power of any Prince of superior Force to his Neighbour, to legitimate whatever Usurpations he should think fit to make. This Method of acquiring Property, is subversive of all the settled Principles of Property whatever, and the general Peace of the World.

LXX. To this general Consideration it may not be improper to observe, in Confutation of this extraordinary Suggestion, that the *French* Commissaries have cited no Opinions from the Writings of any Authors on the Law of Nations, to countenance and strengthen their Doctrine, though there are the strongest Authorities against it ; and even those Passages, which they quote a few Pages before in their Memorial, are absolutely inconsistent with any such Notion.

LXXI. There is no doubt, but in the Affairs and Intercourse of civil Life, Bargains and Sales are what ascertain Property effectually : But in civil Life, the Person selling must have either Authority from the real Owner, or a Right himself in the Thing he sells, to make the Purchase valid ; and nothing can be more inconclusive, in so great a general Question as this, than thus to take a Maxim from the Doctrine of civil Business, and apply it to a publick Discussion of this nature between two Nations ; when the Maxim itself, that is urged, is so far from having

having any Weight in our present Dispute, that it would have *St. Lucia*.
no Force even in a like Case happening in civil Life.

LXXII. We shall proceed to the Consideration of other Consequences, as inconclusive as the former, which His Most Christian Majesty's Commissioners would infer from some Treaties, and other Events which happened during the uncertain State of the Island of *St. Lucia*, from the Time of the *French* Invasion, to that of its being re-possessed by the *English*.

LXXIII. As to the next Observation made by His Most Christian Majesty's Commissioners, that it is not to be doubted, but if the *English* had imagined they had the least Pretension to the Island of *St. Lucia*, at the Time of concluding the Treaty between *England* and *France* in 1655, they would have demanded a Restitution of it, or at least a Compensation for it by that Treaty.

His Majesty's Commissioners are a little surprized to find so light and trifling a Remark, urged with so much Strefs, it being evident that that Treaty was, in the general Intention and Provisions, a Treaty of Commerce merely; and the 25th Clause in it, which appoints Commissioners for settling the Right to *Pentagoet*, *St. John's* and *Port-Royal*, is the only one that does not relate singly and exclusively to Matters of Commerce.

LXXIV. And can it with any Decency be urged, that because *Great-Britain* did not assert her Title to *St. Lucia* in a Treaty of Commerce, where it could not with any Consistency have ever been mentioned, that therefore she relinquished it?

LXXV. Or is a Nation not to be said to retain her Rights in any one Part of the World, if she does not re-assert them in every Treaty she ever makes, relative to every other Matter, and every other Part of the World?

LXXII. It may not be improper to presume, that the *French* Commissioners will, of themselves, give us a Solution of these

St. Lucia. two Questions, and content themselves, as if they were sufficiently refuted from what they think might be inferred, from the Silence observed in the above Treaty concerning this Right, and upon every other Matter of this Kind, relative to the District on which the Right is called in question.

LXXVII. Upon those Parts of the *French* Memorial, in which it is insisted, that by the Treaty of Union and League offensive and defensive, concluded at *St. Christopher's* between the *French* and *English* in *January* 1660, and also a Treaty called in the Memorial, "A Treaty with the *Caribbeans*," the Right of the *French* to the Island of *St. Lucia*, was acknowledged both by the *English* and Savages; His Majesty's Commissioners will make some Observations proper to destroy this singular Hypothesis.

LXXVIII. That the said Treaty of Union was made between the *French* Governors and Inhabitants of the Islands of *St. Christopher's*, *Guadeloupe*, *Saintes* and *Marie-Galante* of the one Part, and the *English* Governors and Inhabitants of the Islands of *St. Christopher's*, *Montserrat*, *Nevis*, and *Antigua* on the other, and that these were the only Parties to it; that all the Stipulations in it are restrained to the Inhabitants of the said Islands, that not any Mention is made in it of the Island of *St. Lucia*.

LXXIX. And that the Clause, whereby it is agreed between the Parties to that Treaty, "*Que dans la présenté union, entrenont si bon leur semble, Messieurs les Gouverneurs & habitans des isles de l'une & de l'autre nation qui sont de present absens,*" must be understood of such Colonies only as were not in Dispute, between the two Nations, and therefore cannot be extended to include *St. Lucia*, which it is well known had been in Contest between them ever since the Massacre and Expulsion of the *English* from the Island.

LXXX. That

LXXX. That there is not the least Appearance that the contracting Parties had it in Contemplation to settle the Right to the Island of *St. Lucia*, which indeed they had no Power to do; the Earl of *Carlisle*, who was the Proprietor of the Island, not being a Party to the Treaty. That by the express Terms of the Treaty it was subject to the Approbation or Disapprobation of either Crown, neither of which appear to have been ever expressed upon it; and independent of the two last Observations, the Consequences drawn by His Most Christian Majesty's Commissaries are entirely foreign to the Intention of the Treaty. St. Lucia.

LXXXI. As to the latter of the two Treaties, which is entitled, “ Verbal ou Traité par lequel Monsieur de Vanderoque “ Gouverneur général des Isles de la Martinique & de St. Alouzie “ pour les enfans mineurs de M. du Parquet, & les habitans “ de la dite Isle Martinique font admis au traité d'union & de “ paix entre les François, les Anglois & les Caraïbes du dernier “ Mars 1660.”

LXXXII. *St. Lucia* is no where mentioned in the Body of the Paper, but only in the Title of it, as an additional Stile to the Governor of *Martinique*.

LXXXIII. And it manifestly appears, upon examining it, to be only Minutes of a Conference between the *Sieur Houel*, and fifteen of the principal *Caribbeans* of the Islands of *St. Vincent*, *Dominique*, and those Savages, who had before that Time inhabited the Island of *Martinique*, and were driven from thence in the Course of the War, in the Presence of *Pere Beaumont de l'Ordre des Freres Precheurs & Missionnaire Apostolique*, & *Pere du Vivier de la Compagnie de Jesus, Supérieur des Missions du dit Ordre*, in the *American* Islands; and the *Sieurs de Loubiere* and *Renaudaut*, Deputies of the Island of *Martinique*, by all whom the same is signed; but not by Deputies

St. Lucia. ties from *St. Lucia*, nor by the *Indians*, according to their usual Custom with their Marks; and therefore could neither be binding upon them nor the *English*, who were not in any Degree Parties to it.

LXXXIV. It is evident from the Terms of this Conference, that the sole Objects of it, and the Agreements entered into by the *Indians*, were the Preservation of Peace in general between them and the *French* and *English* Colonies, proposed to them by the *French* to be included in it; and the Preservation of the Islands of *St. Vincent* and *Dominique*, as a Retreat for themselves, exclusive of all Christians whatever, except the *French* Missionaries.

LXXXV. And nothing can be more forced, or foreign to the Purport of this Conference, and the Points therein concluded between the contracting Parties, than the supposed Acquiescence of the *English* to the Title given to a *French* Governor by some other *French*, in a Representation made to him; and nothing can be more far fetched and less probable, than the Views which they would ascribe to the poor *Caribbeans*, as if such Savages had pretended to enter into the Consideration of the several Rights and Pretensions of the *French* and *English* to the Colonies they then respectively possessed, or had the least Regard to the Disputes and Contests, then subsisting between two Nations, that had combined to subdue them and their Countrymen.

LXXXVI. Nevertheless, the *French* Commissaries make this further unjustifiable Use of this Representation, in not only supposing it to be a Treaty, but a Treaty sufficiently valid to annul the *English* Purchase of this Island from the Natives, in 1663.

LXXXVII. The Manner in which we have already shewn, that this pretended Negotiation was, in reality, only a Conference of the *French* to contrive a Retreat for the *Caribbeans*, and after that a free Access to the *French* Missionaries, and from
whence,

whence, consequently, there could not result any Treaty capable of influencing the present general Discussion; which serves, at the same time to discover, that this Suggestion in the *French* Commissaries Memorial tends only to invalidate, if it was possible, the *English* Purchase, upon begging a Fact which is not true, and which would not be sufficient to overthrow that complex and clear Title, from our Priority of Establishment and Continuation of Possession, by maintaining, reclaiming and re-taking.

LXXXVIII. If it was true, and the *English* Purchase, in 1663, would stand unimpeached by the *French* Treaty with the Natives in 1660; even if that Paper was admitted to be a Treaty, which, in reality, is nothing more than a private Conference between some *French* and the Native *Caribbeans*, falsely cited as a publick Treaty, in a Matter with which it has no Connection.

LXXXIX. There is as little Weight in the other Part of their Objection, since it is founded on the like begging the Question; namely, that *Great-Britain* could not purchase this Island in 1663 of the Natives, as it was then in Possession of the Crown of *France*.

XC. Upon which it will suffice again to observe, that we have incontestably shewn their Possession, at that Time, was against the Law of Nations, and could confer no Right to them; and that *Great-Britain* had, at that very Time, the real Right, though not the Possession, as well as at all other Times, from its first Establishment to this Day; if the Misfortune of 1640 had not furnished the *French* with a Pretext to seize upon it, and now to dispute with us the Property and legal Possession.

XCI. This is a Demonstration, at least, which we have taken care particularly to lay down in our present Undertaking, in order

St. Lucia. order to undermine the Foundation of so many idle Arguments that have been made about it ; a Demonstration, which, besides, we have had the Happiness solidly to establish upon the following Truths, proved by such authentick Facts, and by unanswerable Authorities in a Matter of this Nature, namely,

XCII. That *Great-Britain* first discovered and settled this Island.

That, in consequence of it, the only Claim *France* had, previous to 1663, was founded upon their Usurpation in 1640.

That this would not convey any Title from the Circumstances attending the Retreat of the *English* driven out by Massacre.

That the perpetual Claim of *Great-Britain* had prevented the least Shadow of Prescription to be set up against its Right.

And, lastly, that this Crown has recovered its lawful Possession of this Island in 1664.

XCIII. The Mention of this last Period of Time, leads us to the Examination of that Part of the *French* Commissaries Memorial, which tends to elude the Force of the Argument, and of the Consequence which we have drawn from it : To proceed in Order, we will begin with observing, that His Most Christian Majesty's Commissaries considering that this Re-possession in 1664, gained from the *French* by the Enterprize formed by Lord *Willoughby*, and executed under him by Colonel *Carew*, must have, with Reason, a great Weight in the general Proof of the Title of the King of *Great-Britain*. They have done their utmost to evade, if it were possible, the Effect and Operation of so solemn and compleat a Transaction, carrying with it all the Marks of a formal Reclamation crowned with Success.

XCIV. It is with this View they endeavour to represent it as an Enterprize, formed and executed by private Persons, acting without the Consent or Participation of the Government of

Great-

Great-Britain, or of any Officer acting by virtue of any publick *St. Lucia*. Authority under it. In support of this Representation, and to prove the Truth of it, they refer to a supposed Letter from Lord *Willoughby* to *Monsieur de Tracey*, building their Notions of what this Letter must have been, by what they state *Monsieur de Tracey's* Answer to be; and then, without alledging any thing in proof of the Authority of that Answer itself, only cite an Extract out of a Copy of it given in *du Tertre's* Book in a general Manner, without any Authentication or Evidence of its Genuineness, excepting another general Allegation, that about 60 or 70 Years ago this Letter was produced to the Commissaries in 1687.

XCV. But it happens a little unfortunately for this Argument of the *French* Commissaries; that, as on the one hand, if the Contents of this Letter pretended by them, really gave Evidence in support of the *French* Title, the Authority and Reality of the Letter itself cannot be ascertained; so on the other, if the Letter could be proved genuine, the Contents directly establish the Fact they mean to dispute.

XCVI. But before we proceed to examine the whole Letter, and apply the several Parts of it, we must beg leave to suppose, that this Letter will be admitted by the *French* Commissaries, who contend for its Genuineness in one Part, to be equally genuine in all, and that the same Credit is due to every Part of it.

XCVII. The Passage in it cited, and relied upon in the *French* Memorial, is as follows: Il paroît par votre lettre, que ce sont
 “ vos peuples qui ont fait descente dans cette isle, sans que
 “ vous le leur ayez commandé. . . . Si les peuples ont fait cette
 “ entreprise, sans votre participation, ils vous ont manqué de
 “ respect; si vous y avez consenti, dont je doute après ce que
 “ vous m’écrivez, il est fâcheux à une personne de votre qualité,
 “ qui a de l’honneur, de se voir seulement soupçonnée de
 [K] “ pouvoir

St. Lucia. “pouvoir être cause de quelque altération entre de grands Rois
 “qui sont si proches.”

XCVIII. From which Expressions of Monsieur *Tracey*, it is so far from being clear, that it was Monsieur *de Tracey*'s Opinion, that this Descent in 1664, was undertaken without the Participation of Lord *Willoughby*, that he expressly declares, by the Paragraph just cited, his Doubts upon that Matter.

XCIX. If it be said, that this Passage is not cited to prove the Opinion of Monsieur *de Tracey*, but only the Fact that Lord *Willoughby* has disavowed the Enterprize to Monsieur *de Tracey*.

C. The Commissaries of His *Britannick* Majesty must observe, in answer to this further Use of this Paragraph, that there are in the same Letter far more and clearer express Proofs of his having openly avowed his Share and Direction in the Undertaking, and the Execution of this Descent, than are wanted to confute the conjectural Construction of the Passage now in question. To prove this, we need only transcribe the following Passages out of the Letter itself; they will be found more than sufficient to destroy the Consequences which the *French* pretend to infer from them in their Memorial.

CI. It must be premised, that Monsieur *de Tracey* represents Monsieur *de Clermont*, as giving him, upon his Arrival, an Account of the Transactions which had happened during his Government.

CII. “Il m'assura ensuite que vous vous expliquâtes à Saint-
 “Christophe du dessein que vous aviez de faire descente à
 “Sainte-Alouzie, & que même vous l'aviez dit à l'Officier qu'il
 “avoit envoyé auprès de vous à la Barbade : je lui fis réponse
 “que je ne pouvois croire que ce fût votre intention, qu'étant
 “en ce pays avec un pouvoir aussi absolu que je l'ai du Roi ;
 “que si le votre est égal, comme je me le persuade de la part
 “de

“ de Sa Majesté Britannique, nous pouvions, dès la première *St. Lucia.*
 “ annonce que vous m’en feriez, accommoder tous les différens
 “ par la voie la plus douce
 “ vous voyez, Monsieur, avec quelle franchise j’agis avec vous
 “ pour la première fois ; & pour la continuer je ne vous célerai
 “ pas que je mandai à M. de Clermont de faire expliquer M. le
 “ Colonel, qui demeure à Sainte-Lucie, de quelle part il s’étoit
 “ saisi de la maison de M. du Parquet & de l’Isle, il fit réponse
 “ que c’étoit par ordre & pour Sa Majesté Britannique.”

CIII. It is almost needless to observe, that we here find the same Monsieur *de Tracey*, in the very same Letter, giving an Account of no less than two Declarations, very particularly and very strongly made by Lord *Willoughby*, of his having directed the Descent, and this to two Officers under the *French* Government ; the one of them to an Officer sent expressly by Monsieur *de Clermont*, and the other to Monsieur *de Clermont* himself, then Governor and Commander in Chief of *Martinique*.

CIV. All the Officers in this Expedition uniformly agree in making the same Declaration as Lord *Willoughby*, upon all Occasions that called for it, as appears from the aforementioned Passages in this Letter, in which an *English* Officer, upon being asked by Monsieur *de Clermont*, upon what Authority he took Possession of Monsieur *du Parquet*’s House and the Island, replied, that he did it by Order, and on the Part of the King of *Great-Britain*.

CV. If, therefore, this Letter is to be credited, this Descent was formed and executed with the Knowledge and by the Order of Lord *Willoughby*. This was the general Opinion of every body at that Time ; it was the express and frequent Declaration of Lord *Willoughby* by himself and his Officers ; it was the general Opinion of his Soldiers ; it was the Belief of Monsieur *de Tracey*,

St. Lucia. formed upon the Representation of Monsieur *de Clermont* to him, giving a serious Account of what had passed in his Government for his Information.

CVI. And thus this whole Letter, and all the conjectural Evidence to be drawn from it, tends, in the strongest Manner, to confirm, and entirely falls in with that State of the Fact which the Circumstances and Manner of the Transaction make probable at first Sight, and other Evidence, authentick and conclusive, establishes to have been the real Truth.

CVII. Of this Nature, are the Commission of the Crown of *Great-Britain* to Lord *Willoughby*, directing him to this very Undertaking, an entire Regiment embarked, the Improbability that any private People should have engaged in such an Enterprize; the Impossibility that they should have been able to conduct, support the Expence, or supply the Force of it.

CVIII. And, in short, every Circumstance attending it, proves this Enterprize to have been an Act of Government, which alone is wanted to make the Possession, gained by it, the Possession of the Crown of *Great-Britain*.

CIX. The Commissaries of His Most Christian Majesty have also alledged, in that Part of their Memorial, which relates to this Descent upon *St. Lucia* in 1664, that it was actually abandoned by the *English*, in consequence of an Offer to surrender it to the *French*, made by six Deputies from Governor *Cook* to the Governor of *Martinique*, a few Days before War was declared in *Europe* between the two Nations.

CX. It is very improbable that Governor *Cook* should send six Deputies to the Governor of *Martinique*, to make an Offer of surrendering *St. Lucia* to him, of which the Lord *Willoughby* had so lately regained the Possession from the *French*, as the Right of the Crown of *England*, and without Directions from him

him, who was His Majesty's Governor-General of all the *St. Lucia*.
Caribbee Islands.

CXI. It is still more improbable, that he should send Deputies upon so extraordinary Service, without any Commission, authorising them to treat about this Surrender, and, without any Credentials whatever, to give them Weight with the *French* Governor.

CXII. Governor *Cook's* Disavowal, therefore, of these Proceedings, must be sincere and well founded; and his Denial, that the pretended Deputies had any Authority from him to do what they did, be credited, and received as decisive in this Matter, even from the Nature and Manner of it, was there no other Evidence; and even, if this Disavowal could not be proved, on our Part, but in this Manner, in Opposition to an Affirmative, destitute of any better Kind of Proof, the Probability itself would decide for us, and render all these Proceedings, of half a Dozen Individuals, without Power or Authority, totally void and fruitless.

CXIII. But it is happy for us, in this Case, that *Pere du Tertre* himself asserts, that *Cook* absolutely disavowed those pretended Deputies.

CXIV. His Most Christian Majesty's Commissioners have repeated in their Memorial, and seem to rely upon it as an unjustifiable Circumstance, *viz.*

CXV. That the several Attempts of the *English* upon *St. Lucia* were made in Time of profound Peace between the two Crowns, contrary to the Law of Nations; and they therefore trust that the Crown of *England* would not build a Title to that Island upon so unwarrantable a Foundation. To refute this Infination, His Majesty's Commissioners have only to observe,

CXVI. That

St. Lucia. CXVI. That the Facts in question are established not on the Origin, but on the Consequence of the Right of *Great-Britain*.

CXVII. That they were put in Operation, not to acquire it, but to defend and maintain it. That the *English* were, doubtless, better warranted in Time of Peace, to repossess themselves of the Island, to which they had an undoubted Right, than the *French* were to possess themselves of it, in Prejudice of that Right. That these Attempts being made in Time of Peace, is what distinguishes them to be Claims of their ancient Right to the Island.

CXVIII. If, in a Time of Peace, it may be justifiable to use Reprisals on certain Occasions, so much more must it be to reclaim and recover what has been taken from us by mere Surprise, and under Pretence that it was found abandoned.

CXIX. Had this Possession been regained in Time of War, when Conquests of an Enemy's Country are lawful; the recovering of it by Force, would not have been distinguished from other Hostilities usually practised in such a State.

CXX. To say, therefore, that the *English* ought not in Time of Peace, to have regained the Possession of *St. Lucia* by Force, which was forcibly with-held from them by the *French*, is, in Effect, to say, that they ought to have acquiesced in the Loss of their Right, in the Manner, as it is wrongly imputed to them in other Parts, (already refuted) of the Memorial of the *French* Commissioners.

CXXI. The Commissioners of *Great-Britain* cannot but suggest to the Consideration of the *French* Commissioners, with how ill a Grace, and how little Weight this Remark comes from them, who are maintaining a Claim of the Crown of *France*, founded upon the Massacre and Expulsion of the *English* by the *Caribbean* Savages, committed at a Time, when it is acknowledged

ledged by the *French*, the *English* had a rightful Possession of it; *St. Lucia*. when Monsieur *du Parquet* entered upon it with an armed Force, seized the Island, in direct Breach of the Amity then subsisting between the two Crowns, and in Violation of all the Laws which have been received among civilized Nations, for the Regulation of their respective Interests, for the Peace and general Benefit of Mankind.

CXXII. Having now brought down the Account of His Majesty's Title to this Island, so near to the Date of the Treaty of *Breda*, it will be proper here to insert at large the XIIth Article of the said Treaty; because it is upon that Article chiefly that the *French* have hitherto founded their Pretensions to *St. Lucia*.

CXXIII. "Also the Most Christian King shall, in like Manner, restore unto the King of *Great-Britain* the Islands called *Antegoa* and *Montferrat*, (if they be in his Power) and other Islands, Countries, Forts, and Colonies, which may have been gotten by the Arms of the Most Christian King, before or after the Subscription of the present Treaty, and which the King of *Great-Britain* possessed before He entered into the War with the States General, (to which War this Treaty doth put an End). On the other Side, the King of *Great-Britain* shall, after the Manner aforesaid, restore unto the abovementioned Most Christian King, all Islands, Countries, Forts, and Colonies, any where situate, which might be gotten by the King of *Great-Britain's* Arms, before or after the Subscription of the present Agreement, and which the Most Christian King possessed before the First of *January* 1665."

CXXIV. The *French* alledge, that in the Year 1640, the *English* having deserted this Island, Monsieur *du Parquet*, then Governor of *Martinique*, took Possession of it by Consent of the

Savages,

St. Lucia. Savages, there being, at that Time, no *English* to defend it; that he built a Fort and established a Succession of Governors there, who kept Possession of the Island for upwards of twenty Years: That in the Year 1650, the Property of this Island was sold to *du Parquet* by the Old *West-India* Company; and, in 1664, *du Parquet* sold that Island and *Martinique* to the *French* King, who being as they suppose, in Possession thereof at the Time the Treaty of *Breda* was made; they concluded, that the Crown of *France* is by the abovementioned Article, clearly entitled to the Island of *St. Lucia*.

CXXV. That the *French*, under Monsieur *du Parquet*, took Possession of this Island in 1640, has already been acknowledged; it has been fully shewn, upon what Occasion, and at what Juncture of Time that Possession was taken: It has been proved that both Monsieur *du Poincy*, (who was then Governor of *St. Christopher's*, and Lieutenant-General of the *French* in those Parts) as well as Monsieur *du Parquet*, knew this Island belonged to the Crown of *Great-Britain*; and that the Possession, taken by *du Parquet*, was not upon a voluntary Dereliction, but upon a Massacre committed on the *English* by the Savages, in which *du Parquet* was suspected to have engaged them; inasmuch, as it has already been alledged in Proof of the Validity of the *English* Possession; that in order to exculpate himself from that Suspicion, he assumed to himself, in a solemn Declaration, the Merit of having, in a friendly Manner, apprized the *English* of the Design of this horrible Outrage, before its Execution. It has been also shewn, that the Fortifications, Acts of Government, Grants and Sales made by the *French*, resulting from this Invasion of Monsieur *du Parquet*, could not be of any Significancy. And, lastly, that frequent Attempts were made by the *English*, to regain the Possession of the said Island, and a perpetual Claim kept up

up there, during the twenty Years that it was forcibly and unjustly with-holden from them, notwithstanding a civil War then in the Heart of the Kingdom. And that soon after the Restoration, King *Charles* the Second effectually asserted his Right, that he retook the said Island from the *French*, by his Troops under the Command of Colonel *Carew*, in *June* 1664; and that the said King *Charles* was in Possession of *St. Lucia*, at the Time prefixed by the Treaty of *Breda*, for settling the future Right of Possession. St. Lucia.

CXXVI. As the Treaty of *Breda* was made to put an End to all Differences between the contracting Powers, the most equitable Rule for that Purpose was, that all Parties should be put in the State in which they were before the War began.

CXXVII. And it is evidently the Design of the Treaty, that all the contracting Powers should hold what they were possessed of respectively on the first of *January* 1665.

CXXVIII. Specifick Stipulations were therefore made for the Restitution, not only of such Dominions where the Possession was known to have been altered during the Course of the War; but even for such as were only suspected to have been altered.

CXXIX. Thus the Restitution of the Moiety of *St. Christopher's* to the *English*, was stipulated by the 7th Article, and by the 9th, a Restitution of a Moiety of the same Island to the *French*, in case they should have been driven out of it by Chance of War. Thus also by the 12th Article, already transcribed at large, a Provisional Restitution is agreed on for the Islands of *Antegoa* and *Montserrat* in Favour of the *English*, because it was then thought, by the Parties treating, not impossible, but that those Islands might have been in the Possession of the *French*, at the Time that Treaty was signed.

CXXX. This being plainly the Sense of the Treaty, it is very extraordinary, that the *French* should call upon us to shew,

St. Lucia. that the Treaty of *Breda* had made a specifick Provision for the
 Restitution of *St. Lucia* to the *English*. We had no Occasion
 for such an Article.

CXXXI. We were restored to our ancient Possession there, before the *Dutch* War began; Colonel *Carew*, as has been shewn, retook that Island in *June* 1664; and as this Restoration to our ancient Right, happened three Years before the Conclusion of the Treaty of *Breda*, it cannot be supposed, that the *French* should have so long continued ignorant of it; and as they must have known of our Possession, had they thought this Possession an Infringement of their Right, they would have had a specifick Article for the Restitution of *St. Lucia* inserted in this Treaty; and it is for their Title, and not ours, that such a specifick Article is wanted.

CXXXII. The Silence of the *French* about their Title to *St. Lucia*, at the making the Treaty of *Breda*, carries a still further Proof with it; for it proves, they did not then think they had any such real Title; it being impossible, upon any other Supposition than this, to account for their never having kept up their Claim, or asserted their Right to this Island, at a Time when a Treaty was making for the final Settlements of all the Rights of the two Nations; and they knew that the *English* then held *St. Lucia* as one of these Rights, and an Island belonging to *Great-Britain* in Virtue of their Recovery of it in 1664. Here, therefore, might we safely venture to rest the Issue of this Contest, in considering this Period as the *non plus ultra*; and the Treaty of *Breda* as the final Determination of all further Contest upon this Subject; since far from having any-ways weaken'd the ancient Right of the *English*, in Favour of the *French* Claim to the Island of *St. Lucia*, it decided expressly, that each of the contracting Powers should hold, or be restored to, whatever each of those Powers respectively did hold, on the first of
January

January 1665. Now, on the first of January 1665, King *St. Lucia.*
Charles the Second was in actual Possession of the Island of *St. Lucia*; and, therefore, by the Treaty of *Breda*, as well as by an ancient and almost immemorial Right, His Majesty is indisputably intitled to the said Island.

CXXXIII. But as the *French* have in their Memorial made use of the Treaties of Neutrality, *Ryswick* and *Utrecht*, and other Transactions relative to the Possession of this Island, subsequent to the Treaty of *Breda*; it will be proper to state these Matters, as they really stand, and to answer these Parts of their Memorial.

CXXXIV. It has already been observed, that from the Date of Lord *William Willoughby's* Commission to be Governor of *Barbadoes*, *St. Lucia* has constantly been deemed a Dependence upon *Barbadoes*; and, as such, has always been inserted in the Commission and Instructions for that Government.

CXXXV. It has been shewn, that the Governors of *Barbadoes* have been instructed to assert the *British* Title to this and other *Caribbee Islands*, included in their Commission. Some Instances appear of their having duly observed this Instruction.

CXXXVI. The first Complaint that we find of any Objection made by the *French* to our Possession of *St. Lucia*, is in a Memorial, or Letter, from Monsieur *Seignelay*, bearing Date the 19th of *November* 1686, near twenty Years after the Treaty of *Breda*, mentioned in the Memorial of the Commissaries of His Most Christian Majesty.

CXXXVII. Colonel *Steede*, then Governor of *Barbadoes*, had in *July* 1686, sent Captain *Temple* to *St. Lucia*, with Orders to remove all Foreigners from thence, unless they acknowledged the King of *England's* Sovereignty over that Island. When Captain *Temple* arrived there, he published the King's Title in the Presence of such of the *French* as could be found, and erected,

St. Lucia, as a Mark of Sovereignty, the Arms of *England* in the chief Ports, caused the *French* to be removed to *Martinique*, writing to Count *Blenac*, the *French* Governor there, to acquaint him with what he had done; and requiring him, at the same time, not to suffer any Persons within his Government to cut Wood, plant, fish, or hunt on *St. Lucia*, without Licence from the Governor of *Barbadoes*.

CXXXVIII. This Letter from Colonel *Steede*, and Depositions relative to this Matter, are entered on Record in the Books of the Board of Trade.

CXXXIX. Count *Blenac* having complained of these Proceedings, the Memorial beforementioned was presented by Monsieur *Seignelay*; upon which King *James* again asserted his Title, and Captain *Temple* was a second Time commissioned to drive off all Foreigners from *St. Lucia*, to demolish their Houses, and to destroy their Settlements; which he did, and was actually in Possession of the Island in *August* 1686. It may not be improper to observe here, that in the Beginning of *November* following, when the Treaty of Neutrality between the two Nations was signed at *Whitehall*, the King's Frigate, with a Fleet from *Barbadoes*, was actually cutting Timber in *St. Lucia* at that very Period of Time, as in an Island belonging to the Crown of *Great-Britain*.

CXL. The Commissaries of His Most Christian Majesty have observed, upon this Transaction in their Memorial, that the Inhabitants were not wholly removed by Captain *Temple*, but that a Part of them concealed themselves in the wilder Parts of the Island.

CXLI. We do not conceive how it can be argued, that the actual Removal of the People in general was not an Assertion of the Right of the Crown of *Great-Britain*; because a few People evaded the Order, and remained in the Island by Concealment.

ment. If it could be, we do not think ourselves under any Necessity of refusing an Insinuation so ill founded. *St. Lucia.*

CXLII. Monsieur *Seignelay's* Memorial, which was fully answered by the then Lords Commissioners for Trade and Plantations, has the following Passage in it.

“ Sa Majesté en a été d'autant plus surpris, qu'on est (comme vous savez) depuis près d'un an à conclure un traité de neutralité entre les deux Nations pour les païs que les deux Rois possèdent en Amérique.” Notwithstanding this, not a Syllable is mentioned of *St. Lucia* in that whole Treaty, which was signed the 16th of *November* 1686, some few Days after the Date of this Letter, and afterwards ratified by both the contracting Powers. The Crown of *France*, it is plain, knew the King of *England* was then in Possession of that Island; it is evident, that the Transaction of Colonel *Temple* past while the Treaty of Neutrality was negotiating; and the Manner, in which the Crown of *France* strengthens her Complaint in the Memorial of Monsieur *Seignelay*, by condemning the Proceedings of Colonel *Temple*, as the more surprizing, for having been carried on while the two Nations were on the point of concluding the Treaty of Neutrality, is an undeniable Evidence, that the *French* both knew the *English* were then in Possession of *St. Lucia*, and that they did not fail, nor ever would fail, to maintain their Right to it, and that they were desirous of making out their Title to it, by all manner of Means they could.

CXLIII. Now the Silence of their Ministry, so vigilant to make good the least Shadow of any Pretension, and, at the same Time, their entire Omission of asserting any such Right, by permitting this Treaty to be concluded and signed, notwithstanding the Complaints of the Count *de Blenac*, made in such high Terms on the Part of His Most Christian Majesty, during the Negotiation, is a strong Presumption that their Silence was designed,

St. Lucia, signed, and proceeded from the Crown of *France*, not thinking the Right itself defensible ; so that it must be granted, that their Pretensions were overthrown, not only by reason that no mention was made of them in this Treaty, but that also they were a second time forfeited by the Confirmation of the Treaty of *Breda*, as also by the second Article of this same Treaty of Neutrality ; which, as we have already remarked, was signed a few Days after Monsieur *de Seignelay* presented his Memorial.

CLXIV. By the 4th Article of this Treaty, it was agreed, that both Kings should hold and retain all they then possessed in *America*.

CXLV. The Words of the Article are, “ It is agreed, that
“ both Kings shall have and retain to themselves all the Domi-
“ nions, Rights, and Pre-eminences, in the *American* Seas, Roads,
“ and other Waters whatsoever, in as full and ample Manner as
“ of Right belong unto them ; and in such Manner, as they
“ now possess the same.”

And by the 19th Article, the Treaty of *Breda* is fully confirmed in all its Articles and Clauses ; from whence the said Commissaries conclude, that as well by the Treaty of Neutrality, as by the Treaty of *Breda*, His Majesty is clearly entitled to the Island of *St. Lucia*.

CXLVI. That the Treaty of Neutrality was understood to be decisive in that Point, appears by the Entries in the Plantation-Office ; for in *March* 1686-7 Colonel *Steede* published it in *St. Lucia*, as a Dependence on his Government, and caused the Arms of *England* to be erected in the most eminent Places there by the King’s express Order.

CXLVII. In *May* 1687 Commissaries were appointed, on both Sides, to put this Treaty in Execution, and to settle the respective Boundaries of the two Crowns in *America* ; the Earls of *Sunderland* and *Middleton*, and the Lord *Godolphin* on the

Part of the *English*, Messieurs *Barillon* and *Bonrepaus* on the *St. Lucia*.
Part of the *French*.

CXLVIII. It appears from the Papers remaining in the Plantation-Office, that the whole Debate, at that Time, turned upon the 12th Article of the Treaty of *Breda*, which had been confirmed by the Treaty of Neutrality; that Messieurs *Barillon* and *Bonrepaus* both acknowledged, that the *English* were in Possession of *St. Lucia* in 1664, before the *Dutch* War broke out.

CXLIX. And there is Reason to believe, that the *French* Commissaries thought it too; for although they knew the *English* were in Possession of that disputed Island, this Treaty ended in a Convention for a general Cessation of Hostilities between the two Crowns in *America*.

CL. In *April* 1688, some *French* having again crept into the Island, Captain *Wren* disturbed their Settlement, and asserted the ancient Right of the Crown of *England*.

CLI. It likewise appears, by the Report of the Commissioners appointed by Colonel *Steede*, to make Enquiry into the King's Title to the *Caribbee Islands* dated in 1688, that Captain *James Walker* being some Years before sent by the Governor of *St. Christopher's* to subdue the *Indians* of *St. Lucia*, *St. Vincent*, and *Dominico*, for the Outrages and Murders by them committed on the King's Subjects, and finding some *French* hunting and fishing upon those Islands, without Licence from the King, or any of his Governors, he drove them from thence; and that after that Time the *French*, in Acknowledgment of His Majesty's Right, frequently came to his Governor for Licence and Permits to hunt and fish, within the Limits and Bounds of those three Islands.

CLII. Such was the State of *St. Lucia* at the Revolution; and that King *William* the Third likewise asserted the Right of the *British* Crown to this Island; the Orders sent to Colonel
Gray,

St. Lucia, Gray, his Governor of *Barbadoes* in the Year 1699, will bear Witnefs: For, upon notice that some *French* had employed Negroes to clear the Ground, and intended to make Settlements there, His Majesty renewed the Directions formerly given to Colonel *Steede*, to apprize the *French*, and all other Foreigners, who should pretend to settle on that Island, that unless they removed, they should be dispossessed by Force.

CLIII. These Orders were given by King *William* about two Years after the Peace of *Ryswick*; the Instructions for the same Purpose, sent by King *James* the Second to Colonel *Steede*, were in Time of Peace; and almost every Assertion, which we have instanced of the *British* Right to this Island, has been made, whilst Friendship subsisted between the two Crowns.

CLIV. As to what is alledged by His Most Christian Majesty's Commissaries, with respect to the Treaty of *Utrecht*, it may suffice to observe in general, that admitting there might have been some few *French* Families upon *St. Lucia*, previous to that Treaty, they were there without the Knowledge or Consent of the Crown of *Great-Britain*; which cannot, in any degree, be considered as a Possession on the Part of *France*, in prejudice of the Right vested in the Crown of *Great-Britain* by the Treaty of *Breda*.

CLV. As the Transactions, since that Time, are of so late a Date, that they cannot be alledged on either Side in support of a Title to this Island, the said Commissaries will not make a minute Recapitulation of them: They will only observe, that His late Majesty had great Reason to be surprized at the Attempt made upon *St. Lucia* by the Marshal *d'Esfrées*, about the Year 1719, under colour of a Grant from His Most Christian Majesty: And though His said Majesty, to preserve a good Understanding between the two Nations, was then content to enter into the Expedient proposed by the Regent, namely, that the
 People,

People, settled by the said Marshal, should be withdrawn, and *St. Lucia*.
all things put in the same State they were in before that Expedition, till the Title to this Island should be decided; no Consequence ought to be drawn, from this Concession, to the Prejudice of His Majesty's Right to the Possession of this Island.

CLVI. A Consent in one Crown to submit any Right to Enquiry and Discussion, in compliance with the Request and Claims of another, being rather an Argument of her Confidence than her Distrust of that Right.

CLVII. The Commissaries of the King of *Great-Britain* have now gone through the History of his Majesty's ancient, uniform, and clear Right, to the Island of *St. Lucia*.

CLVIII. They have shewn that this Right began, and was established, by a Discovery and Settlements made many Years before the *French*, upon the Testimony of their own Writers, had any Knowledge of the *Caribbee Islands*.

CLIX. That this Right has been uninterruptedly continued and kept up by all proper and sufficient Acts of Government.

CLX. And, lastly, that in later Times this Right has received more than once the final Sanction of Treaties.

CLXI. They have been careful, at the same Time, to make it appear, that the Commissaries of *France* have nothing to oppose to this Right, but Pretences of early Discovery and Possession, which their own Historians overturn.

CLXII. Or a temporary Settlement, gained by an Usurpation, which the Law of Nations will not justify, or a remote Construction of Treaties, inconsistent with both the Letter, Intention, and Spirit of them.

CLXIII. And, therefore, they think themselves warranted to conclude, with a Renewal of that Assertion they began with, that the Right to the Island of *St. Lucia* is not in the Crown of *France*, but in the Crown of *Great-Britain*.

St. *Lucia*. CLXIV. It remains only for His Majesty's Commissioners to observe, that the Commissioners of His Most Christian Majesty conclude their Memorial, with saying,

CLXV. " En conséquence le Roi a déclaré constamment & déclaré encore qu'il n'a jamais entendu porter le moindre préjudice à son droit, en se prêtant à l'évacuation provisionnelle de Sainte-Lucie ; & Sa Majesté, en nommant des Commissaires pour en discuter la propriété, n'a eu d'autre objet que celui de mieux faire connoître à l'Angleterre la droiture de ses intentions, la justice de ses droits, & le desir sincère de cultiver & entretenir l'union & la bonne intelligence entre les deux Couronnes & les deux Nations."

CLXVI. Upon which His Majesty's Commissioners cannot better explain themselves, than by the following Remark :

CLXVII. That His Most Christian Majesty having agreed, in consequence of the Treaty of Peace and Friendship, concluded at *Aix-la-Chapelle* the 18th of *October* 1748, N. S. to evacuate the Island of St. *Lucia* ; and to refer the Determination of the Right, to the Decision of Commissioners to be named on the Part of both Powers for that Purpose ; His Majesty's Commissioners do presume, as it is their Duty on their Part, that the above-mentioned final Declaration of His Most Christian Majesty, set forth in the Conclusion of the *French* Commissioners Memorial, cannot, nor ought not, to have any other Construction, than what is consistent with the solemn Agreement entered into by both Crowns ; by which all Right and all Pretensions, with respect to the Island of St. *Lucia*, were submitted to a free, candid, impartial, and definitive Discussion.

PARIS, Nov. 15, 1751.

W. SHIRLEY, W. MILDMAY.

R E P L Y

O F T H E

FRENCH COMMISSARIES

C O N C E R N I N G

The Island of St. *LUCIA*.

R E P L Y

TO THE

HOUSE OF COMMONS

(1855)

ON THE



T H E
SECOND MEMORIAL
OF THE
FRENCH Commissaries,
CONCERNING
The Island of St. *LUCIA*.

Dated the 4th of *October*, 1754;

In Reply to the Memorial of His *Britannick* Majesty's
Commissaries of the 15th of *November*, 1751.

I N T R O D U C T I O N.



THE King's Commissaries have established, by *St. Lucia*.
their first Memorial, of the 11th of *February* 1751, the Right of the Crown of *France* to the
Possession of the Island of *St. Lucia*.

They have shewn, that the first Settlements
of the *French* in the *Caribbee* Islands, were at least as ancient as
those of the *English*.

If any Fact in the History of *America* is certain, it is that
St. Christopher's was the Cradle of the Colonies of both Na-
tions

St. Lucia. tions in the *Caribbee* Islands, and that their Settlements received their Birth at the same time, with this single Difference, that the Date of the Act which gave a Stamp of Authenticity, and secured the State of the first *French* Settlements, was prior to the Act of the same Nature that authorized the first Settlements of the *English*.

These Dates are certain, and acknowledged as such; the Acts are still in being, and the *English* Commissaries have not even disputed them: They have incessantly repeated, that *England* was capable of proving her Right; that on her Side they had incontestible Facts, and the fullest Evidence. We hope, however, to make it appear that they have neither established, nor refuted, nor proved any thing, and that no certain Facts are to be found in their Memorial, except such as had been laid down as such in the first Memorial of the King's Commissaries.

If we may believe the *English* Commissaries, the Island of *St. Lucia* was settled by the Earl of *Cumberland* and Sir *Oliph Leagh*, long before the first Settlement of the two Nations at *St. Christopher's*.

To support this Supposition, they have had recourse to Relations, that, on the contrary, prove, that neither the Earl of *Cumberland* nor Sir *Oliph Leagh* ever formed any Settlement at *St. Lucia*, and that they never had any Thoughts of doing it. The Account of Sir *Oliph Leagh's* Voyage even proves, that the Inhabitants of *St. Lucia* had carried on a Trade with the *French* before that Voyage.

The *English* Commissaries have likewise made Pretensions to a Continuance of that pretended Plantation: The principal Proof they have given of this, is drawn from the Letters Patent granted by the King of *England* to the Earl of *Carlisle* in


1627. A summary Review of the Settlement and Situation of *St. Lucia*. the several Islands mentioned in these Letters Patent, will plainly shew, how the *English* Commissaries have deceived themselves in the Inductions they have endeavoured to draw from it.

We shall make it appear by the State of the War in which the two Nations were engaged with the Savages, till 1660, that they thought less of disturbing each other in their Settlements, than of defending themselves against the common Enemy; and that these Settlements did not obtain a firm and solid Establishment, which they had never enjoyed before, till 1660, when they came to an Agreement with the Natives.

The King's Commissaries have never denied, that the *English* had formed a first Settlement at *St. Lucia* in 1639; but they believe they have shewn, and it is not even disputed with them, that this Settlement was abandoned in 1640, on account of the *English* being unable to maintain themselves in it against the *Caribbees*; and it is upon the peaceful and quiet State of that Island, after it had been for ten Years abandoned by the *English*, that the King's Commissaries have established the Rights of their Nation.

The Commissaries of His *Britannick* Majesty have very often repeated the Assertion, that the *French* seized the Island two Months after the Expulsion of the *English* by the Savages, and have not spared the Suppositions that might arise from so sudden a Change. But the King's Commissaries proved, that they did not put themselves in Possession of the Island, which had been abandoned by the *English* in 1640, till the Year 1650.

According to the *English* Commissaries, this required a publick and authentick Act, by which *England* declared that she had abandoned that Island; but there is no Example of a Renunciation

St. Lucia. nunciation made according to this new Kind of Jurisprudence.  A Nation might quit a Country, never enter it again, and yet eternally pretend to be its Proprietor and Possessor.

The Renunciation of a Country, is a Fact which characterizes itself: If another takes Possession of it, and the first Possessor continues silent without Constraint, without being able to pretend that he is ignorant that another possesses it, it is the strongest and most complete Proof of a Renunciation; and such is that which History furnishes us with, in relation to the Renunciation of *St. Lucia* by the *English*. We shall strengthen this Principle by many other Examples drawn even from *America*.

If the *English* had ever any favourable Opportunities of reclaiming the Possession of *St. Lucia*, it was at the Treaty of *Westminster* in 1655, and at that of *Breda* in 1667. At both these Periods the *French* were in full and quiet Possession of *St. Lucia*: The *English* were informed of this Possession, and nothing hindered their reclaiming it; they however kept a most voluntary Silence, even with the most perfect Knowledge of the Case: *Silentium scientis & liberè volentis*.

Other Facts alledged by the *English* Commissaries, to supply the Place of the Right of reclaiming it, are Acts of Violence, where the Authors had it less in view to seize *St. Lucia*, than to deprive the *French* of it.

His *Britannick* Majesty's Commissaries cite a Kind of Inquest which the *English* caused to be made in 1688, on the Origin of their Settlements in the *Caribbee* Islands. Such Acts are, in their own Nature of little Value: This at most furnishes some obscure Notions on the Attempts for forming a new Settlement in 1639; but this Proof was useless, since the King's Commissaries, in their first Memorial of the 11th of
February

February 1751, had related this Fact in a Manner equally favourable to the *English*, and that it was only upon *St. Lucia's* being abandoned by the *English* in 1640, that the *French* founded their Right to the Possession of that Island: A Possession cemented by the most expensive and bloody Wars against the same Savages that had obliged the *English* to desert it.

Such is the Plan of this Answer, which we would have willingly abridged; but the Clouds with which the *English* Commissaries have darkened this Affair, have laid us under the Necessity of collecting all the Circumstances that may tend to restore Exactness of Facts, and dissipate the Obscurities and Uncertainties that have taken place.

Moreover in the Memorial to be answered, there have appeared some Expressions but little conformable to the Regard the Commissaries of both Nations reciprocally owe to each other: And the King's Commissaries have imagined, that they ought not to dispense with making proper Representations on that Subject. The *English* Commissaries have excused themselves from their being but little used to the *French* Language, and have appeared disposed not to refuse making such Alterations as will not in the least diminish the Merit of their Cause: This Disposition has rendered these Alterations unnecessary: The King's Commissaries are not willing to have it imagined, that they had any Thoughts of diminishing the Strength of the Arguments connected with these Expressions, and therefore confine themselves to the preserving by this Memorial the Remembrance of the Explanation they have had with the Commissaries of his *Britannick* Majesty.

ARTICLE I.

Of the Voyages of the Earl of Cumberland and Sir Oliph Leagh to the Island of St. Lucia, and of the State of the Caribbee Islands since their Discovery till the Year 1626.

St. Lucia. **T**HE *English* Commissaries have insinuated in their Memorial (Paragraph VII.) that the first Discovery of the *Caribbee* Islands was made by their Nation, and this they have positively asserted with Regard to *St. Lucia*.

But when the King's Commissaries required Proof of this, they confined themselves to citing the fourth Volume of the Collection of Voyages by *Purchas*, Page 1146.

It is there found, that in 1593 the Earl of *Cumberland* fitted out three Vessels which sailed towards the *Antilles*, and that of these three Vessels, the first and second had *Spanish* Pilots (*a*).

It was then an hundred Years since *Christopher Columbus* had, in 1493, discovered the *Antilles*.

The *Priority of the Plantation* is quite as well proved by the Connection of the same Passage; we there read that the Crews of the three Vessels stayed three Days to *refresh themselves at St. Lucia and Martinico*.

This is not the only Example of the extraordinary Pretensions furnished by the Memorial of his *Britannick* Majesty's Commissaries, in relation to the Discovery of the *Caribbee* Islands, since

AUTHORITY.

(*a*) The Commander of this Squadron had a *Spanish* Pilot, who was perfectly acquainted with these Parts; the second Vessel had another Pilot. Here is a *Priority of Discovery* finely proved.

since they have adopted the Extract they have produced of the *St. Lucia* Letters Patent, granted to the Earl of *Carlisle* in 1627, where that Earl attributes to himself the Discovery of those Islands at his own Cost and Expence; so that by a singular Transposition of Time, the Earl of *Cumberland*, an hundred Years after *Christophers Columbus*, takes from him the Glory of the first Discovery, and the Earl of *Cumberland* is stripped of it, in his turn, by the Earl of *Carlisle*, who did not come till thirty Years after him.

If we read the Account of the Earl of *Cumberland's* Voyage, from which the *English* Commissaries have cited only the first Lines, but which should have been produced entire, we see that this Fleet sailed only with the View of cruizing upon the *Spaniards*, and plundering their Settlements; and that there was no Design, no Preparations, no Means of establishing themselves in the *Antilles*, and no Instructions from the Sovereign to authorize the doing of it.

The Inductions the *English* Commissaries have pretended to draw from Sir *Oliph Leagb's* Voyage have no better Foundation, and are equally inaccurate.

The King's Commissaries have also caused this Relation to be translated entire, and from thence it follows:

1. The Title imports that these Preparations were designed against *Guiana*, and consequently not for settling *St. Lucia*.

2. The Vessel directed its Course to *Guiana*, and not to *St. Lucia*.

3. It took in Water at *St. Lucia* only by a mere Accident; and after having having failed at *Guiana*,

4. They were induced to leave some of their Men at *St. Lucia*, only from the Impossibility of returning to *England* with the few Stores they had left.

St. Lucia.

5. The first landing of the Men, which was to the Number of sixty-seven, was a mutinous Act, in order to carry off the Ship's Boat.

6. It does not appear that these sixty-seven Men had any Thoughts of making a Settlement; or that they either cleared, sowed, or planted the Earth.

It is even said, that for five or six Weeks, that is, during the time of their staying in that Island, they hardly ever went out of it; it seems that they thought of nothing but living by the Trade they carried on with the Savages, and by what they could procure from hunting and fishing.

7. The first Days they treated with the Savages by an *Englishman who understood Spanish*: But this Interpreter being killed at the beginning of the War which soon broke out between them and these Savages, they employed in his room an *Englishman* named *Francis Brown, who spoke French*.

It therefore follows from this *English* Piece, produced by *England*, that the *French* had frequented *St. Lucia*, and the neighbouring Islands, before the *English*, or, at least, before *Sir Olib* Leagh's Detachment.

8. A little after the landing of the sixty-seven *Englishmen* at *St. Lucia*, the *Caribbees* declared War against them, which was not of long Duration: Forty-eight *Englishmen* perished in it, and the nineteen who were left, saved themselves in the Night of the 25th or 26th of *September*, in a Canoe which the Pity of their Enemies had granted them.

Thus ended this pretended Colony, after their having passed thirty-five Days in the Island; half of which time they were in continual War. How can the *English* consider this unhappy Adventure, as giving an unquestionable proprietary Title?

The

The Commissaries of his *Britannick* Majesty have pretended, *St. Lucia.* that a second Colony was sent to *St. Lucia* the following Year, 1606. The King's Commissaries have required Proofs; and have asked whether these Settlements were solid and durable, how they subsisted, or whether they were only fruitless and transient Attempts?

The frequent Repetitions found in the Memorial of the *English* Commissaries, in relation to the Continuance of the first Settlements made in that Island from its first Discovery, and particularly from its being planted by Sir *Oliph Leagh* to the Years 1635, 1638, and 1640, seemed to promise the most clear and convincing Evidence.

No Proof has however been given of a Transplantation in 1606: This we have Reason, at present, to consider only as a Fiction.

No Proof of the Continuance of the pretended Settlement in 1605, which may be considered as a mere Romance.

To the Demands made to the *English* Commissaries, they are satisfied with replying, that they *considered this Settlement as founded on the first Discovery and Possession, in consequence of its being solid and durable.*

Let us see to what all this is reduced.

The *English* had been at *St. Lucia* in 1605; their Account proves that the *French* had been there before.

Sixty-seven *Englishmen*, who would have died with Hunger on board one of their Ships, landed in the Island

Forty-eight were killed by the Natives, and the nineteen who remained, saved themselves in the Night, after staying there thirty-five Days.

How can it be considered that these Facts prove *a first Discovery, a solid and durable Settlement in consequence of this first Possession;*

Reply of the French Commissaries.

St. Lucia. *Possession*; and the Continuance of this Settlement for thirty or thirty-five Years, while there is seen in the same Piece produced by *England*, a former *Discovery*, and an *Abode of thirty-five Days*, which ended by an Expulsion, and a total and final Departure.

'Tis true, that, to render their Scheme consistent, the *English* Commissaries have advanced (Paragr. CLVII.) that their Right commenced by a *Discovery and Plantations*, MANY YEARS before the French had, according to their own Historians, ANY KNOWLEDGE of the Caribbees.

To prove an Assertion, in which the latter Part, at least, has so little Probability, they have in general cited Father *du Tertre* and Father *Labbat*; a Paradox like this was, however, well worth the pains of transcribing those Passages, or at least mentioning the Pages where they are to be found.

The King's Commissaries declare, that after having carefully read those two Authors, they have found nothing like it, nothing that approaches to it; and they cannot sufficiently express their Surprise, that they should seriously hazard so strange a Proposition, which could mislead none but those who have no Knowledge of what has passed in the *Caribbee Islands*, since their being discovered by *Columbus*; that is, many Years before the *Plantations of the English*, none of which appears to have been earlier than 1627, if we reckon all the Islands, or before 1639, if we mean only *St. Lucia*.

In fact, till the Letters obtained first in *France* by the *Sieur d'Esfnambuc*, on the 31st of *October* 1626, and afterwards in *England*, by the *Earl of Carlisle*, on the 2d of *June* 1627, no Proof is to be found of any durable Settlement in the *Antilles* by any of the *European Nations* that have since possessed those Islands.

It

It even does not appear by what Authority it would have been done, without the Consent of the Kings of *France* or *England*, or the other respective Powers. St. Lucia.

In the mean time, these Islands were frequented by the Vessels of the *French*, *English*, and *Dutch*, who came thither, either to trade with the Savages, or to cruise upon the *Spaniards*.

It appears that in 1521, the *French* began to shew themselves frequently in those Seas (*b*), and that in 1529, the Pirates of *France* and *England* were multiplied there (*c*).

The Peace that has frequently reigned in *Europe* between *France*, *Spain*, and *England*, has not prevented there being Cruisers fitted out in *England*, and even in *France*, sometimes even under *French* or *English* Commissions. People, in order to obtain these Commissions, made use of the Pretence of Repprisals; and the Custom the *Spaniards* then had of treating all the Ships they found beyond the Tropicks as Smugglers, favoured this Pretence.

The *Spaniards* had not any Settlement in the *Caribbee* Islands, on account of the Cruelty of the Savages, and the little Value they set upon those Islands. Nothing was then purchased from them but Tobacco, which was but little used in *Europe*.

These Islands were then the ordinary Retreat of all the Traitors, Smugglers, and Pirates of all Nations.

From time to time some *Europeans* stayed there, and lived with the Savages. The most positive Testimony we have met with of this, is that of Father *du Tertre*, who relates, that at the Arrival of the *Sieur d'Esplanbuc* at *St. Christopher's* in 1625, he found some *Frenchmen* there. It has been already seen, in the

AUTHORITIES.

(*b*) Charl. Tom. I. pag. 407.

(*c*) Ibid. pag. 456.

St. Lucia. the Relation of Sir *Oliph Leagh's* Voyage to *St. Lucia* in 1605, that there were *Caribbees* who understood *French*.

If the short Cruises, or even the landing of some Men, who disappeared soon after, may be taken as Proofs of a Settlement, each of the *Caribbee* Islands would at one and the same Time belong to all the Nations in *Europe*, since they were frequented by them all, either as Cruisers, or for the sake of Trade.

Of whatever Nation the *Europeans* were, who were then dispersed among the *Antilles*, it cannot be said that they constituted any Colony. They were for the most part Vagabonds, Deferters from the Pirates, and Pirates themselves, when they could be so with Impunity, living with the *Caribbees*, and living like them, without any Form of Government, and without acknowledging a Subjection to *France*, *England*, or any other Power.

It is manifest that such Men as these could be no more inclined to make Acquisitions for *England* than for *France*; and farther, they have not shewn, by any Action such a Design could produce, that this was their Intention.

It is equally evident, that the *French*, *English*, and *Dutch* Pirates who frequented these Seas, had neither the Inclination, the Means, or the Abilities, necessary to establish Colonies there.

The Settlement of *St. Christopher's* in 1627, made by a mutual Agreement between the *English* and *French*, is then the first Act of real Possession of which we have any Knowledge in that Part of *America*. All the Pretensions of the *English* in relation to the *Priority* of their Settlements, and their Continuance till that Period, is no more than Romance and Delusion; and their obstinate Silence, on being desired to produce Proofs, gives this Truth all the Evidence it could receive from their Confession and Assent.

ARTICLE II.

Of the Letters Patent granted to the Earl of Carlisle in 1627, by Charles I. King of England, and the Settlement of the Islands therein denominated.

IF we could excuse the Earl of Carlisle for causing to be *St. Lucia.* inserted in the Letters Patent he obtained from Charles I. that it was he who with great Cost and Expence discovered the Caribbee Islands, and that in 1627 they contained a vast and extensive English Colony, it must yet be astonishing that this fabulous Declaration should be adopted by his Britannick Majesty's Commissaries (a), and that they have been willing to support the vast Fabrick of their Pretensions on so ruinous a Foundation.

The Strength of the contrary Evidence seems to authorize a Reply by a single Negative; but that nothing may be left behind, we shall give a summary Review of the Periods of the first Discovery of these Islands, and their Settlement, in re-examining what has been said of them by the *Spanish, French, English,* and other Historians.

We shall more particularly make use of the Authority of Father *du Tertre*, an Author who was cotemporary with the first Settlements of the two Nations in the *Antilles*.

We shall cite, not by Choice, but from Necessity, *Richard Bloome*, the Author of *The English America*, printed in 1688, the only *English* Writer on this Subject we are acquainted with, whose Work has been translated into *French*, and consequently

[O] the

AUTHORITY.

(a) See this Memorial, Paragr. IX.

St. Lucia, the only one that can be conveniently consulted by all those who will read this Memorial.

On the other hand, we have not omitted a Translation of the Citations made by the *English* Commissaries, from the Authors of their Nation, whose Works have never been translated.

John de Laet will also be one of the Authors cited in this Discussion, as being one of those whom the *English* will least except against. His Book was printed in *Latin* in 1632, and dedicated to the King of *England*; but was translated into *French* in 1640, and we shall make use of that Translation. This Author seems to have been well acquainted with the Settlements made in the *Caribbee* Islands till his Time. He gives a complete Enumeration and short Description of these Islands. He mentions the Settlements of *Barbadoes*, *St. Christopher's*, and *Nevis*. If *St. Lucia* had then been inhabited by the *English*, we cannot see why he should not have mentioned a Colony, which, according to the *English* Commissaries, was the most ancient of all those of the *Antilles*; but he is so far from doing it, that he furnishes Proofs of the contrary.

In short, we shall also sometimes cite the *Sieur de Rochefort*, who, though a *Frenchman*, ought not to be suspected, especially when that Protestant Author agrees with *Father du Tertre*.

The Islands comprehended in the Earl of *Carlisle's* Grant, according to the *English* Commissaries Memorial, are twenty-two, namely,

1. ST. CHRISTOPHER'S.
2. GRANADA.
3. ST. VINCENT.
4. ST. LUCIA.
5. BARBADOES.

6. MITTALANEA, in the *Dutch* Maps MATALINO, and in *St. Lucia*.
French LA MARTINIQUE.
7. DOMINICO.
8. MARIGALANTE.
9. DESSUDA, in the *Dutch* Maps DESEADA, and in *French*
LA DESIRADE.
10. TODOS'ANTES, in *French* LES SAINTES.
11. GARDELUPE.
12. ANTEGO, or ANTIGUES.
13. MONTSERRAT.
14. RODENDO.
15. BARBUDE.
16. NEVIS, in *French* NIEVES.
17. STATIA, in *French* ST. EUSTACHE.
18. ST. BARTHOLOMEW.
19. ST. MARTIN.
20. ANGUILLA.
21. SEMBRERA.
22. ENEGADA, in *French* LA NEGADE.

I.

ST. CHRISTOPHER'S.

Possessed at first by the French and English, and since the Peace of Utrecht entirely by the English.

All Authors agree, that this Island was discovered by *Christopher Columbus*, who gave it his own Name in the Month of November 1493 (*b*); and the *English* Commissaries themselves

[O 2]

acknow-

AUTHORITY.

(*b*) Charlevoix, *Histoire de St. Domingue*, Tom. 1. pag. 114. 4to Edition of 1730.

Reply of the French Commissioners.

St. Lucia. acknowledge, that the *French* and *English* Colonies of *St. Christopher's* were founded by common Agreement at the same Time, the one in virtue of Letters granted to *Monf. d'Es-nambuc*, by the Cardinal *de Richelieu* on the 31st of *October* 1626, and the other in virtue of those granted to the Earl of *Carlisle*, by King *Charles I.* seven Months after, namely, on the 2d of *June* 1627.

John de Laet and *Richard Bloome* agree with the *Sieur Rochefort*, and all other Authors, as to the Time when these two Colonies were founded.

It seems, according to *Father du Tertre (c)*, that before this Settlement there were *Frenchmen* at *St. Christopher's*, and that they kept up a good Understanding with the *Caribbees*. We do not find that there were any *Englishmen* there; therefore, in that Island, which was the first of whose Settlement we have any certain Account, the *English* were at most only cotemporary with the *French*.

II.

GRANADA.

Always in the Possession of the French.

In *Mr. Richard Bloome's English America* no mention is made of their having any Right to *Granada*.

John de Laet says, that it was inhabited by the *Caribbees*.

In the Year 1638 (*d*) *Monf. de Poinci* resolved to take Possession of that Island . . . but the Multitude of Savages with which it was inhabited made him change his Mind.

It

A U T H O R I T I E S.

(c) *Du Tertre*, Tom. 1. pag. 4.

(d) *Du Tertre*, Tom. 1. pag. 426.

It appears from this Passage in Father *du Tertre*, and the rest *St. Lucia.* of the Chapter from which it is taken, that the *English* never settled at *Granada*: This is confirmed by the Silence of *Richard Bloome*, by the Testimony of *John de Laet*, and by that of *Rocheport*. According to the last mentioned Author, the *French* Inhabitants were in his Time in Possession of the *Grenadins*, where they had a Fishery, as they have still.

The first *European* Settlement in this Island, was in the Month of *June* 1650 (*e*), when Monsieur *du Parquet* built a Fort there.

It is said (*f*), that this was done by the Consent of the Savages, which does not appear to have been the Case with respect to any other Island, except *St. Christopher's*, at least it is not expressly mentioned of any other; but this Consent did not last long, either at *Granada* or the other Islands; for the *Europeans* did not remain in the peaceable Possession of them, till after a long and bloody War.

III.

ST. VINCENT.

Always possessed by the Caribbees.

We do not find in any Part of Father *du Tertre's* Work, that the *English* were ever settled at *St. Vincent*.

John de Laet expressly says, that it was inhabited by the Savages.

The *Sieur de Rocheport*, who wrote in 1657, does not so much as give a hint that the *English* had then formed any Pretensions

AUTHORITIES.

(*e*) *Du Tertre*, Tome 1. page 427.

(*f*) *Ibid.* Tome 1. page 428.

St. Lucia. tensions to it. These are his Words: *This Island is the most populous of all those that are POSSESSED by the Caribbees.*

Richard Bloome, in his *English America*, asserts without Proof, that the English have some Plantations there; but that they are not powerful, the Caribbees who POSSESS it being very numerous. This Authority cannot destroy those of *de Laet* and *Father du Tertre*, which directly contradict it. Nay, this very Passage proves, that this Island was in the Possession of the Caribbees, who have POSSESSED it ever since, and still possess it to this Day.

In the beginning of *February 1668 (g)*, a little after the Treaty of *Breda*, the Lord *Willoughby* went to *St. Vincent*; where, partly by Force, or rather by Surprise, and partly by the Credit of *Warner*, a Bastard, the Son of an *Englishman* and a Savage, whom he restored to his Government of all the Savages under the Authority of the King of England; but without leaving any Englishmen with him. This pretended Act of Authority was performed in time of Peace, after having burnt some of their Canoes.

It seems, this savage Governor durst not stay at *St. Vincent*, which is a Proof that no Advantage in Favour of the *English* can be taken from *Father du Tertre's* Words, *he whom he restored*; since that Author himself destroys every Consequence that can be drawn from it, by relating afterwards the ill Success of Lord *Willoughby's* Enterprize, which had a Relation to what he had done some Years before, also in time of Peace, in giving the same *Warner* the Commission of Governor, which was not more successful. This Enterprize ought then to be considered only as an Infraction of the Treaty of *Breda*, and
of

AUTHORITY.

(g) *Du Tertre*, Tome 4. page 337.

of the Peace with the *Caribbees* in 1660, and a vain Attempt *St. Lucia*.
to bring the Savages into Subjection. }

IV.

ST. LUCIA.

No mention is made in any Part of Father *du Tertre's* Work, that any *Englishmen* were at *St. Lucia* before 1639.

On the contrary, we may conclude, that their first Settlement in that Island was in 1639, from these Words; (*b*) *The English were settled in that Island in the Year 1639, and had stayed there above eighteen Months.*

John de Laet says positively, that it was inhabited by the Savages.

The *Sieur de Rochefort* may be considered as a Cotemporary, his Book being written about the Year 1657; this may be collected from the *Caribbees* not being yet driven out of *Martinico* when he wrote it. Now it is not more favourable to the Pretensions of the *English*, since he does not mention them. These are his Words in relation to *St. Lucia*.

“(i) It was formerly frequented only by a small Number of “ *Indians*.—The *French* of *Martinico* lately came to keep them “ Company.—*Monfieur Roffelan* established the *French* Colony “ under the Command of *Monfieur du Parquet*, whom he “ chose for his Lieutenant; and he dying, *Monfieur le Breton* “ of *Paris* has been chosen in his room.”

Throughout the whole Article no Trace is to be found either of the Possession or Claim of the *English*.

The

AUTHORITIES.

(*b*) *Du Tertre*, Tome i. page 434.

(i) *Rochefort*, Tome i. page 57.

St. Lucia. The Word *lately* can only refer to the Year 1650: We shall prove in the Course of this Memorial, that this is the only Æra that can be adopted for the Settlement of the *French* in *St. Lucia*.

Richard Bloome makes no mention of *St. Lucia*, which gives room to believe, that the *English* did not yet think of forming Pretensions to this Island, when that Author published his Work. He cannot however be suspected of not having sufficiently extended the Rights of his Nation.

V.

BARBADOES.

At present. possessed by the English.

We do not find the Æra of the first Settlement of *Barbadoes* in *Father du Tertre*: But *Cardinal de Richlieu's* Letters in favour of *Monfieur d'Esnambuc*, in which it is mentioned with *St. Christopher's*, gives Reason for the Belief that it was vacant at the Time of the *Sieur d'Esnambuc's* Departure from *St. Christopher's*, and so reputed in *France* the last Day of *October* 1626, the Date of those Letters.

John de Laet confirms that Opinion, by saying, that the *English* planted a Colony there in 1627.

According to *Richard Bloome*, the Number of its Inhabitants increas'd in 1627, which authorises the Belief, that this was at most the Period of its first Settlement; for the Opinion which places it some Years higher, appears full of Uncertainty, as no Authority from the Prince can be found for settling it, nor any Government established, except in the Letters Patent granted to the Earl of *Carlisle*.

The *Sieur de Rochefort* expresses himself thus in the History of the *Antilles* (k). "The

AUTHORITY.

(k) *Rochefort*, Tome I. page 54.

“ The *English* placed there in 1627, the Colony by which *St. Lucia*.
 “ it is at *present* inhabited.” But he says elsewhere, that this
 Colony left *St. Christopher's* after Don *Frederick of Toledo's* Ex-
 pedition (1): A Circumstance which brings the Settlement of
Barbadoes to the Year 1629; and which is *the more probable*,
 as we cannot see why the *Spanish* Admiral should spare this
 rising Colony any more than that of *St. Christopher's*.

VI.

MITTALANEA, otherwife MARTINICO.

Both now and at all other Times possessed by the French.

This Island was perhaps discovered in 1493, at the same
 time with *Dominico*; it is however certain that *Christopher Co-*
lumbus cast Anchor there on the 13th of *June* 1502, when he
 took in fresh Water and stayed there *three Days*. It would be
 difficult to find a preceding *English* Discovery; and if the Earl
 of *Cumberland's* staying three Days at *Martinico* and *St. Lucia*
 in 1593, gave the *English* any unquestionable Title to this last
 Island, the *Spaniards* would have the same right to *Martinico*
 and all the *Antilles*.

John de Laet says, that *Martinico* was inhabited by the wick-
 edest of all the Savages.

The *Sieur de Rochefort* mentions only the *French*, and the
 Wars they were obliged to maintain against the *Caribbees*.

The first Settlement was made at *Martinico* by Monsieur
d'Esnambuc (m) on the 6th of *July* 1635, when it was entirely
 inhabited by the *Caribbees* (n).

[P]

They

AUTHORITIES.

(1) *Rochefort*, Tome 2. page 34.

(m) *Du Tertre*, Tome 1. page 101.

(n) *Ibid.* page 76.

St. Lucia. They did not at first oppose the Possession of the *French*; but soon after entered into a War with them.

It does not appear that the *English* were ever settled in that Island; and *Richard Bloome* makes no mention of them.

VII.

DOMINICO.

Constantly in the Possession of the Caribbees.

We do not find in *Father du Tertre*, that either the *French* or the *English* ever possessed *Dominico*.

The *Spanish* Historians say, that it was discovered by *Christopher Columbus*, on Sunday the 3d of November 1493 (o).

John de Laet says, that in his time it was inhabited by the *Caribbees*, who were governed by a Cacique.

The *Sieur de Rochefort*, who wrote in 1657, says, that it was entirely inhabited by the Savages.

A Contract was made with the *French Company* trading to the *American* Islands, for the Settlement of this Island; and that Contract was dated the 14th of February 1635. — This is the same which authorizes the Settlement of *Martinico* and *Guardelupe*. It is to be found in *Father du Tertre* (p).

Richard Bloome expresses himself in a very confused Manner; for after having said, that there were *English* Inhabitants at *Dominico* who planted Tobacco, he adds, that it was filled with *Caribbees*, who had a great Hatred to the *English*. This is inconsistent with that pretended Plantation, which had never any Existence except in his Book.

We

AUTHORITIES.

(o) Charlevoix, *Histoire de Saint-Domingue*, Tome 1. page 114. 4to. Edition printed at Paris in 1730.

(p) *Du Tertre*, Tome 1. page 66.

We find in Father *du Tertre* (q), that Lord *Willoughby*, on St. Lucia. the 16th of *April* 1664, gave the Title of Governor to *Warner*, who had great Credit in this Island; but his Credit was not sufficient to settle the *English* there, and the Treaty of 1660, which confirmed the Savages in the Possession of that Island, under the Protection of *France*, is sufficient to shew the Inutility of his Patent, which was dated four Years after, and could not furnish any Pretext for the Support of Pretensions that had no other Foundation, than that Savage's Inclination to the *English*, to whom he was related by his Father.

We however find, as has been already observed, that in *February* 1661 (r), immediately after the Treaty of *Breda*, the Lord *Willoughby* endeavoured in vain to establish that pretended Governor of the Savages of *Dominico*, who, to all Appearance ended his Days at *Antego*. Consequently the Pretensions of the *English* can only be supported by an unsuccessful Enterprize that was a Violation of the Peace and the Law of Nations, and which, in whatsoever Light it is considered, cannot produce any just Right to Possession.

VIII.

MARIGALANTE.

Possessed both now and at all other Times by the French.

This Island, according to the *Spanish* Authors cited by Father *Charlevoix* (s), was discovered by *Christopher Columbus*, on the 3d of *November* 1493.

[P 2]

John

AUTHORITIES.

(q) *Du Tertre*, Tome 3. page 85.

(r) *Ibid.* Tome 4. page 337.

(s) *Charlevoix*, *Histoire de Saint-Domingue*, Tome 1. page 114.

St. Lucia. *John de Laet* says, that it was frequented by the Savages who had, perhaps, Plantations there; which excludes any *English* Settlement.

The *Sieur de Rochefort* says, that it was peopled and fortified by *Monfieur Houel*, Governor and Proprietor of *Guardelupe*.

It is not mentioned by *Richard Bloome*; the *English* however have endeavoured to seize it, (we are ignorant of the Time when this Attempt was made) but they were repulsed by the Savages (*t*).

It was settled in 1652 by the *French*, who were plundered by the *Caribbees* in 1653, and again settled in the Month of *October* in the same Year, by *Monfieur Houel* (*u*).

IX.

DESSUDA, in *French* LA DESIRADE, and in some Maps DESEADA.

Now and at all Times in the Possession of the French.

This Island, according to *Oviédo*, a *Spanish* Historian cited by *Father Charlevoix*, was discovered on the 2d or 3d of *November* 1493, by *Christopher Columbus* (*w*).

We find nothing in relation to this Island either in *Father du Tertre*, *Richard Bloome*, or *John de Laet*, who calls it *De-seada*.

It is planted by the *French*, and it does not appear to have been ever planted by the *English*.

According to the *Sieur de Rochefort*, it was uninhabited when he wrote his Book.

X. TODOS-

AUTHORITIES.

(*t*) *Du Tertre*, Tome 2. page 35.

(*u*) *Ibid.* Tome 1. page 420.

(*w*) *Charlevoix*, *Histoire de Saint-Domingue*, Tome 1. page 114.

X.

TODOS-SANTOS, otherwise LES SAINTES.

Now and at all Times in the Possession of the French.

John de Laet takes no notice of these Islands.

Mr. *Richard Bloome* also makes no mention of them; and it does not appear that they have ever been settled by the *English*.

According to the *Sieur de Rochefort*, they were uninhabited when he wrote his Book; but we believe he was mistaken.

On the 18th of *October* 1648, the *French* took Possession of *les Saintes*; but were not firmly established till 1652 (x).

XI.

GUARDELUPE.

Now and at all Times in the Possession of the French.

This Island was discovered by *Christopher Columbus*, on Monday the 4th of *November* 1493 (y). *Christopher Columbus* went thither on the 10th of *April* 1496, and there took in fresh Water (z).

According to *John de Laet*, *Guardelupe* was inhabited by the Savages, and the *Spanish* Fleets commonly cast Anchor there, to take in fresh Water.

Richard Bloome makes no mention of *Guardelupe*, and it does not appear that it was ever settled by the *English*.

According

AUTHORITIES.

(x) *Du Tertre*, Tome I. page 417.

(y) *Charlevoix*, *Histoire de Saint-Domingue*, Tome I. page 114.

(z) *Ibid.* page 139.

St. Lucia. According to Father *du Tertre* (a) and the *Sieur de Rochefort*, the *French Colony* arrived at *Guardelupe* on the 28th of *June 1635*.

XII.

ANTEGO.

At present possessed by the English.

This Island was discovered by *Christopher Columbus* in the beginning of *November 1493* (b).

John de Laet says, that this Island was uninhabited, and destitute of fresh Water. This he would not have said, had it been peopled by the *English*.

According to the *Sieur Rochefort* (c), it was planted by the *English* in 1632, and was afterwards frequently plundered by the *Savages* (d).

Richard Bloome takes no notice of the first Settlement of the *English* at *Antego*.

It is certain that this Settlement was not begun till some Time after that of *St. Christopher's*, from whence it received its Origin.

In 1629 the *French* who fled from *St. Christopher's*, after *Don Frederick* of *Toledo's* Expedition, went to *Antego*, where it does not appear that there were then any of the *English* (e).

But at the end of *January 1640* the *English* were settled at *Antego*, and had a Governor there (f).

XIII. MONT-

AUTHORITIES.

(a) *Du Tertre*, Tom. 1. pag. 77.

(b) *Charlevoix*, *Histoire de Saint Domingue*, Tom. 1. pag. 139.

(c) *Rochefort*, Tom. 2. pag. 34.

(d) *Idem*, Tom. 1. pag. 91.

(e) *Du Tertre*, Tom. 1. page 34.

(f) *Ibid.* page 150.

XIII.

MONTSERRAT.

Possessed at present by the English.

This Island was discovered by *Christopher Columbus* in November 1493 (g).

John de Laet says nothing that has a particular Relation to this Island.

Richard Bloome confesses that it was discovered by the *Spaniards*, and does not say when the *English* began to settle there.

In 1629 the *French* who fled from *St. Christopher's* upon *Don Frederick de Toledo's* Expedition, were at *Montserrat*; there were then many *Caribbees* there, but it does not appear that there were any *English* (h).

According to the *Sieur de Rochefort* (i), the *English* possessed that Island since the Year 1632, and have been often attacked by the Savages.

XIV.

RODENDO, OR RODUNDA.

We find nothing in relation to this Island, either in *Father du Tertre* or in *Richard Bloome*.

John de Laet gives a short Description of it, and observes that it was uninhabited. — It is the same with respect to the *Sieur de Rochefort*.

XV. BARBUDE.

AUTHORITIES.

(g) Charlevoix, *Histoire de Saint-Domingue*, Tom. 1. page 139.

(h) *Du Tertre*, Tom. 1. pag. 34.

(i) *Rochefort*, Tom. 2. pag. 34 and 35.

St. Lucia.

XV.

BARBUDE.

Now in the Possession of the English.

Richard Bloome does not say at what Time it was first planted : However, it was uncultivated when *John de Laet* wrote, who says that it is a *low and barren Country*.

The *Sieur de Rochefort* says (*k*), that the *English* of *St. Christopher's* planted it in 1632, and that the Savages have frequently committed great Disorders there.

Father *du Tertre* does not mention the Time when that Island was planted ; but he seems to prove that the *English* were there in 1635 (*l*) : They were also there in 1640, and had a Governor ; but he did not acknowledge (*m*) the Authority of the Governor of *St. Christopher's*, who appears to have been then considered as the General of all the *English* Islands.

XVI.

NEVIS, in French NIEVES.

Now in the Possession of the English.

The *Sieur de Rochefort* and *Richard Bloome* say, that the *English* settled there in 1628, consequently they were not established there at the Time of the Earl of *Carlisle's* Grant, which was dated the 2d of *June* 1627.

John de Laet also says, that the *English* planted a Colony there in 1628.


Father

A U T H O R I T I E S.

(*k*) *Rochefort*, Tom. 1. pag. 89 and 91.

(*l*) *Du Tertre*, Tom. 1. pag. 78.

(*m*) *Idem*, Tom. 2. pag. 465.

Father *du Tertre* (*n*) observes, that in 1628, the *English* at *St. Lucia*.
St. Christopher's sent a small Colony to *Nevis*. 

It appears from another Passage in the same Author (*o*), that the *English* were at *Nevis* at the Time of Don *Frederick of Toledo's* Expedition; that is, at the end of 1629.

Thus this Island appears to have been the second or third that was inhabited by the *English*.

XVII.

STATIA, in *French* SAINT-EUSTACHE.

Now in the Possession of the Dutch.

We find nothing relating to *Statia* either in *John de Laet* or *Richard Bloome*, and it does not appear that the *English* have ever formed Pretensions to this Island; but we see in Father *du Tertre* that it was first settled by the *French* in 1629, and afterwards belonged to the *Dutch* only on account of its being abandoned by the *French*.

The *Sieur de Rochefort* says, that it was planted by the *Dutch* in 1632, which is contrary to what Father *du Tertre* (*p*) has advanced, who says that the *French* fortified it in 1635.

XVIII.

ST. BARTHOLOMEW.

Now and at all Times possessed by the French.

Richard Bloome does not mention this Island, and it does not appear that any *Englishmen* ever planted it: *John de Laet* also takes no notice of it.

[Q]

According

AUTHORITIES.

(*n*) *Du Tertre*, Tom. 1. pag. 22. compared with pag. 21.

(*o*) *Ibid.* pag. 28.

(*p*) *Idem*, Tom. 3. pag. 245.

St. Lucia. According to Father *du Tertre* (q) the *French* were in Possession of this Island in *November* 1629, when there were no *English* there. We do not find in this Passage what was the End of this first Possession.

But (r) we find that *St. Bartholomew's* was peopled by the *French* in 1648, by the Orders of *Monf. de Poinci*, and that the *Sieur le Gendre* was the first Governor. This Possession is confirmed by the *Sieur de Rochefort*.

XIX.

ST. MARTIN.

At present in the Possession both of the French and Dutch.

Richard Bloome does not mention this Island, and consequently takes no notice of any *English* Pretensions to it.

John de Laet says nothing that can raise the Belief that there were any *Englishmen* there before the Time in which he wrote.

According to Father *du Tertre* (s) the *French* were at *St. Martin* in the Month of *November* 1629; when it does not appear that there were any *English* there; but we do not find what was the Consequences that attended this first Possession of the *French*.

It only appears (t) that in 1638 the *Sieur de St. Martin* took Possession of the Island of *St. Martin*, in virtue of a Commission granted by the King; and that the *Dutch* also settled there at the same time, and built a Fort.

A short

AUTHORITIES.

- (q) *Du Tertre*, Tom. i. pag. 34.
- (r) *Idem*, Tom. 3. pag. 33.
- (s) *Idem*, Tom. i. pag. 34.
- (t) *Ibid*, pag. 410.

A short time after, the *Spaniards* became Masters of it, drove St. *Lucia*. out the *Dutch* and *French* with whom they were at open War, and placed a strong Garrison in it.

In 1648 the *Spaniards* abandoned St. *Martin*, and immediately after the *French* and *Dutch* jointly settled in it, as appears by the Articles of Agreement signed by them on the 23d of *March* 1648 (*u*). The *Sieur de Rochefort* says the same, with some small Variations.

XX.

ANGUILLA.

Now in the Possession of the English.

According to *Father du Tertre* (*x*), the *French* were at *Anguilla* in the Month of *November* 1629; but we do not find that they made a firm Settlement, or that there were any of the *English* there.

John de Laet speaks of it only as an uninhabited Island; but the *Sieur de Rochefort* lets us know, that the *English* were settled there ever since 1649, or 1650.

Richard Bloome does not mention the Time when the *English* settled in this Island; which was probably possessed only by the *Caribbees* at the Time of the *Earl of Carlisle's* obtaining his Letters Patent.

It appears then that the *English* obtained this Island, only by its being abandoned by the *French*.

[Q 2]

XXI. SEM-

AUTHORITIES.

(*u*) *Du Tertre*, Tome 1. page 408.

(*x*) *Ibid.* pages 34 and 35.

St. Lucia.

XXI.

SEMBRERA.

We find nothing relating to this Island either in *Richard Bloome*, *Father du Tertre*, or the *Sieur de Rochefort*.

XXII.

ENEGADA, in French LA NEGADE.

We find nothing particularly mentioned of this Island, either in *Richard Bloome*, *Father du Tertre*, *John de Laet*, or the *Sieur de Rochefort*.

The RESULT of the Enquiry into the first Settlement of the Islands mentioned in the Letters Patent of the Earl of Carlisle.

It appears by the above Enumeration, that of the twenty-two Islands mentioned in the Letters granted to the Earl of *Carlisle* by *Charles I.* on the 2d of *June 1627*, according to the Extract found in the *English Commissaries Memorial* of the 15th of *November 1751* (Paragr. IX.) there are three of so little Consequence as to be only known by the Maps. These three Islands are *Rodendo*, *Sembrera*, and *Enegada*.

There are seven in the Possession of the *English*, none of which they had in their Hands before *Thomas Warner's* Arrival at *St. Christopher's*, and the Commission granted to the Earl of *Carlisle*, which was not till the Year 1627.

These seven Islands are *St. Christopher's*, *Barbadoes*, *Antego*, *Montserrat*, *Barbude*, *Nevis*, and *Anguilla*.

Four of these seven Islands appear to have been first visited by the *French*: These are *Antego*, *Montserrat*, *Nevis*, and *Anguilla*:

guilla; and at one of them, which is *St. Christopher's*, the *St. Lucia*.
French and the *English* arrived at the same Time.

Of these twenty-two Islands nominally granted to the Earl of *Carlisle*, there are seven and a half which beyond all dispute belong to the *French*, in which the *English* never formed any Settlement either before or after the Earl of *Carlisle's* Grant, and to which it does not appear that the *English* ever made any Pretensions. These Islands are *Grenada*, *Martinico*, *Marigalante*, *Desjuda*, *Todos'antes*, *Guardelupe*, *St. Bartholomew*, and *St. Martin*, of which the *Dutch* possess half.

One and half are possessed by the *Dutch*; namely, *Statia* or *St. Eustache*, and the half of *St. Martin*.

There are two which belong to the *Caribbees* under the Protection of *France*; namely, *St. Vincent* and *Dominico*.

And one, the Property of which the *English* dispute with *France*, namely, *St Lucia*.

RECAPITULATION.

| | | |
|---|-----------|-----------------|
| Islands either desert or but little known | ----- | 3 |
| <i>English</i> Islands | — — — — — | 7 |
| <i>French</i> Islands | — — — — — | 7 $\frac{1}{2}$ |
| <i>Dutch</i> Islands | — — — — — | 1 $\frac{1}{2}$ |
| Islands belonging to the <i>Caribbee</i> Savages, under the Protection of <i>France</i> | — — — — — | } 2 |
| An Island the Property of which the <i>English</i> dispute with <i>France</i> | — — — — — | |
| | | } 1 |
| | | |
| | | 22 |

It is proved by this Enumeration, that the Letters Patent granted to the Earl of *Carlisle* can be of no use in determining the

St. Lucia. the Property of *St. Lucia*, or that of any other Island, no more than all the later Commissions granted by *England* to her Governors in the *Caribbee* Islands.

We imagine it also proved, that at the Time of the Earl of *Carlisle's* Grant, *England* did not possess any of the *Caribbee* Islands, and that consequently his Letters Patent can only be considered as a Permission to form Settlements there.

A R T I C L E III.

The State of the Antilles from the first Settlement of the French and English at St. Christopher's, to the Peace with the Caribbees in 1660.

WE should form a very ill Judgment of the State of the *Caribbee* Islands, from 1626 to 1660, if we should pretend to apply the Ideas we have at present to those ancient Times.

We may prove, from many Passages, the little Value that was then set on those Islands; but shall content ourselves with quoting one from Father *du Tertre* (a).

“ In the first State of these Countries every thing was discouraging. The Inhabitants were Barbarians: The Earth was uncultivated, and produced nothing without inconceivable Labour; and Ships not being accustomed to frequent these Coasts, the *French* often perished by the Hands of these Barbarians, sunk under the Fatigue of Labour, or for want of such things as ought to have been brought them from abroad: But since the Savages have been reduced to Reason,
“ since

A U T H O R I T Y.

(a) *Du Tertre*, Tome 2. page 420.

“ since the Earth has been cleared, and Vessels have failed to St. *Lucia*.
 “ those Coasts, there has been plenty of every thing.”

We ought not to lose sight of this almost perpetual State of War with the *Caribbees*, if we would form a just Idea of the first Settlements of the *Europeans* in these Islands. It was not by choice that each Nation seized one or other of them, which they have sometimes abandoned with the same Facility.

The Treachery and Acts of Violence committed by the Savages of St. *Christopher's*, gave rise to the first Thoughts of a Settlement in the *Antilles*. On this Treachery, and the War it produced, the *European* Nations founded the Right of Conquest, and their Property in the Islands before possessed by the Nation of the *Caribbees*. It does not appear that before these Hostilities, Messieurs *d'Esnambuc* and *Warner* had any Design of forming a Settlement. They at first lived in Friendship with the Savages; but the Plot formed by the latter to destroy the two Nations, obliged them to unite from the Necessity of Self-defence. They anticipated the Savages, and, after a great Slaughter, remained in Possession of the Island.

“ It was after this glorious Victory, says Father *du Tertre* (b),
 “ that our two Captains *d'Esnambuc* and *Warner* treated of
 “ the Design they had separately engaged in with their Men,
 “ of planting that Island.”

Before this Event, it would have been chimerical for these two Captains to pretend to settle in the *Antilles* with the small Force they had brought from *Europe*, with a very different Design. They had taken refuge at St. *Christopher's* only with a

View

AUTHORITY.

(b) *Du Tertre*, Tome i. page 7. See the preceding Pages on the Conspiracy of the Savages against the two Nations.

St. Lucia. View of recovering the Losses they had sustained in fighting against the *Spaniards*, in order to return home; but finding, that by their Victory over the *Caribbees*, they were become Masters of a fine Island, where the Savages they had destroyed had left behind them the Provisions they had planted, which would give them Subsistence for some time, and afford them the Means of waiting for Subsistence from *Europe*, they resolved to divide their Conquest; but this was a Division which they considered only as a Project, till they had obtained from their Sovereigns the Power of putting to it the Seal of lawful Authority.

Not but that both had before frequently visited these Islands. It is said in the Letters granted by Cardinal *Richelieu* to the *Sieurs d'Esquambuc* and *Rosséy*, that they were employed fifteen Years in this Search; and we have seen what is at least equivalent to this Expression in the Letters granted by the King of *England* to the Earl of *Carlisle*: But it is easy to judge, from a Multitude of Circumstances, and chiefly from all the Earl of *Cumberland's* Expeditions, and the Place where the *Sieur d'Esquambuc* was ill treated by a *Spanish* Gallion, that these pretended newly discovered Islands, which had been well known for an hundred and thirty Years, were only mentioned to serve as an Ornament to the Patents granted by the Kings of *France* and *England*, and that all these Searchers for Settlements with which the *English* Books are filled, only sought for *Spanish* Money.

The first Blow the Savages received at *St. Christopher's* seemed to intimidate them for some time; and it does not appear that those of that Island have ever since been the Aggressors; for the new Obstacles the *French* met with in the Progress of their Settlement, came from the *English* and the *Spaniards*.

In

In 1628 and 1629 (c), the *English*, notwithstanding the Division made between the two Nations on the 13th of May 1627, attempted to dispossess the *French*. St. Lucia.

Don *Frederick* of *Toledo*, a more formidable Enemy, attacked the two infant Colonies in 1629, with a superior Force: One of the *French* Quarters was forced; the *English* after some Resistance were routed: Don *Frederick* of *Toledo* caused a Part of them to embark on board the Fleet, and the rest promised to evacuate the Island.

The *French* had promised nothing, but most of them had really evacuated the Island, from the Ease with which they could embark on board the Vessels of their own Nation. The *Spanish* Squadron sailed away; when the *English* who remained at *St. Christopher's* resolved neither to keep their Word to Don *Frederick*, nor to suffer the *French* who were gone to return: But as several of them had stayed, the Agreement that had passed between the two Nations, in relation to the Possession of the Island, would not permit their being plundered by the *English*; and thus the Dispute was terminated to the Advantage of the *French*.

During this transient Dispersion, the *French* had Thoughts of settling at *Antego*; but were soon averse to it, as they had also been at *Montserrat*, where they were well received; but it does not appear, that they ever seriously thought of settling in the last mentioned Island.

The *Caribbees* of *Martinico* and *Guardelupe* gave a very good Reception to the first *French* Colonies that arrived there in 1635.

[R]

But

AUTHORITY.

(c) *Du Tertre*, Tome 1. page 25.

St. Lucia. But this Friendship was not of long duration. The War broke out at *Guardelupe (d)* on the 26th of *January* 1636, and reduced that Colony to extreme Misery. In *February* 1640 *(e)*, the War still continued, and on the 6th of *May* 1640, a Battle at *Guardelupe* was followed by a Cessation of six Months, without any Peace being concluded.

The *Caribbees* were not long before they entered into a War with the *French* of *Martinico (f)*. The Peace was restored in the Month of *June* 1636 *(g)*; but Hostilities broke out again in 1639 *(h)*, and continued till the 24th of *January* 1640. But soon after the Peace was restored, without its being either solid or durable.

The *English* were not less exposed than the *French* to the Incurfions of the *Caribbees*.

In the Month of *February* 1640 *(i)*, these Savages entered upon Acts of Hostility at *Antego*, and in the Month of *August* of the same Year, enraged at the Treachery the Captain of an *English* Ship had been guilty of at *Dominico*, they attacked the *English* at *St. Lucia*, and obliged them entirely to abandon that Island.

In *September* 1640, or some time before, Monsieur *du Parquet*, Governor of *Martinico*, who was at Peace with the *Caribbees*, offered *(k)* to procure a Peace for *Guardelupe*, which was concluded at the Beginning of 1641 *(l)*; it still subsisted on
the

AUTHORITIES.

- (d)* *Du Tertre*, Tome I. page 84.
- (e)* *Ibid.* page 145 and 148.
- (f)* *Ibid.* page 103.
- (g)* *Ibid.* page 114.
- (h)* *Ibid.* page 114.
- (i)* *Ibid.* page 150.
- (k)* *Ibid.* page 191.
- (l)* *Ibid.* page 196.

the 23d of February (m); but was upon a very precarious *St. Lucia*.
Footing.

There was also Peace at *Dominico* between the French and Savages, in the Month of *October* 1644 (n), though with great Distrust on both Sides.

In May 1646 (o), the Savages of *St. Lucia* massacred the Crews of three French Ships, who inhabited *Martinico*.

This Mixture of Peace and War appears to have lasted at *Guardelupe* and *Martinico* till 1653.

It was in 1650, in one of these pacifick Intervals, that Monsieur *du Parquet* began to plant the Settlements of *St. Lucia* and *Granada*.

Eight Months after that of *Granada*, that is, in February 1651 (p), there was a War in that Island with the *Caribbees*, which, to all Appearance, lasted till the general Peace in 1660.

It was the same at *St. Lucia*, where the Peace lasted from 1650 (q), till the Death of the *Sieur Rouffelan* in 1654; but there is reason to believe, that the War which was then renewed, lasted till 1660. This War cost the Lives of three Governors.

In 1652 (r), a Peace subsisted at *Guardelupe* and *Marigalante* with the Savages of *Dominico*, who were then at War with the *English* of *Antego*.

(s) But at the same time, some of the Inhabitants of *Martinico*

[R 2]

AUTHORITIES.

(m) *Du Tertre*, Tome 1. page 201.

(n) *Ibid.* page 243.

(o) *Ibid.* page 321.

(p) *Ibid.* page 429.

(q) *Ibid.* page 435.

(r) *Ibid.* page 418.

(s) *Ibid.*

St. Lucia, timico having used some of the Savages ill at *Dominico*, they re-
 venged themselves on the *French* of *Marigalante*, all of whom
 they massacred.

(*t*) An open War then broke out, principally at *Dominico*,
Guardelupe, *Marigalante*, and *Todos'antos*.

(*u*) The Death of the Captain of the Savages Son, at *Do-*
minico, who was a Friend to the *French*, completed the Insur-
 rection of that whole Island.

“ At the beginning of 1654 (*w*), the Savages of all the
 “ Islands began a new War, which having lasted a consider-
 “ able time, almost all the Islands in our Possession were co-
 “ vered with Blood and Slaughter.”

“ *The true Cause of that War, was no other than the Settlement*
of the French at Marigalante, ST. LUCIA, and Granada.”

(*x*) Let us see how the *Sieur de Rochefort* expresses himself
 on the same Subject.

“ The Rupture with the *Caribbees* is attributed to the Dis-
 “ pleasure some of them had conceived at Monsieur *du Par-*
 “ *quet's* settling, contrary to their Inclinations, *French Colonies*
 “ in the Islands of *Granada* and *ST. LUCIA.*”

(*y*) This War had like to have afterwards occasioned the
 entire Loss of *Martinico*, where Monsieur *du Parquet*, who
 was Governor and Proprietor, was besieged in his own House
 by a small Army of the *Caribbees* who had ravaged the whole
 Island, and would have broke in, had it not been for the un-
 expected

AUTHORITIES.

(*t*) *Du Tertre*, Tome 1. page 422.

(*u*) *Ibid.* page 472.

(*w*) *Ibid.* page 465.

(*x*) *Rochefort*, Tome 1. page 71.

(*y*) *Du Tertre*, Tome 1. page 468.

expected Assistance of a *Dutch* Squadron, which at this Juncture arrived, and found the whole Island in a Flame. St. Lucia.

The *French* did not now keep on the defensive; but made many Expeditions to *Dominico* (z), *St. Vincent* (a), *Granada* (b), *Martinico* (c), and perhaps other Places, where they had almost all the Advantage; which alone disposed the Savages to Peace (d).

However, on the 6th of *November* 1656 (e), the Savages of *Dominico* attacked the *Sieur du Parquet's* Bark.

(f) The Hostilities of the Savages against the *English*, were then continued, as well as against the *French* of *St. Bartholomew* (g).

On the 29th of *August* 1657 (h), Acts of Hostility were committed by the *Caribbees*, joined to some Negro Fugitives; but on the 8th of *October* in the same Year, they sued for a Peace (i); which appears to have been granted them (k); but this was only to extend to *Martinico*.

(l) It, however, did not last long; for towards the end of the same Year, 1657 (m), Hostilities were committed by the
- Savages

AUTHORITIES.

(z) *Du Tertre*, Tome 1. page 412.

(a) *Ibid.* page 467.

(b) *Ibid.* page 431.

(c) *Ibid.* page 546.

(d) *Ibid.* page 469.

(e) *Ibid.* page 508.

(f) *Ibid.* pages 548 and 510.

(g) *Ibid.* pages 508 and 512.

(h) *Ibid.* page 503.

(i) *Ibid.* page 504.

(k) *Idem*, Tome 2 page 24.

(l) *Idem*, Tome 1 page 52.

(m) *Ibid.* page 541.

St. Lucia. Savages even at *Martinico*; which occasioned a Sedition, that gave *Monf. du Parquet* such Uneasiness, that he died on the 3d of *January* 1658.

The War being then broke out afresh, ended in the entire Expulsion of the *Caribbees* from *Martinico*, where they have never since established themselves, and where they had kept their Ground from the first Settlement of the *French*, in 1635 (n), to 1658.

The Tranquillity of *Guardelupe* appeared to be then for ever restored; but on the 4th of *March* 1660 (o), the War between the Inhabitants of *Martinico* and the Savages still continued: But the former consented to a Peace, by Articles signed that Day, on condition that the *Caribbees* should never more return to *Martinico*; and this contributed to the general Peace.

It does not appear that the *English* had any Share in the offensive War which at last obliged the Savages to agree to this Peace, though the Savages had at the same time treated them with great Cruelty.

Consequently, if the Treaty of 1660 did not secure the Possessions of these Savages, the *French*, by the military Expeditions in which they engaged before that Treaty, in *St. Vincent* and *Dominico*, must remain the only lawful Possessors of those Islands.

It is certain, that at the first *French* and *English* Settlements in the *Antilles*, the two Nations made it a common Cause to oppose either the *Caribbees* or the *Spaniards*.

But

AUTHORITIES.

(n) *Du Tertre*, Tome 1, page 546.

(o) *Ibid.* page 573.

But this Kind of Society was fortuitous: It was often interrupted; it did not imply a durable Engagement, and still less the reciprocal Guaranty of the Islands possessed by both Nations. *St. Lucia.*

Thus each made separate Acquisitions; and though this tacit Convention of not making Acquisitions for themselves had been inconsistent with natural Right, it would even then have been necessary for two *European* Nations.

No body without this would either have been willing or able to support the Expence and Hazards of the first Settlements; and it was of Importance to the Safety of both, that they should become solid.

Without entering into the Dispute, whether the *Caribbee* Savages ought to be considered as the lawful Possessors of those Islands, it is certain, that while they had both the Will and the Power to dispute the Possession, no *European* Nation could boast a Property which the Events of War might snatch from it in a Moment; and that the more lawfully and irrecoverably, as all *European* Property in these Countries was principally supported on the Right of War, and had its very Existence founded on that Right.

The *Æra* of the certain Property and Tranquillity of the *European* Nations in the *Caribbee* Islands, ought to be fixed at the Peace with the *Caribbees* in 1660.

Let them dispute as long as they will the Form of the Act that has established or preserved the Memory of this Peace; it will not be the less true, that it has subsisted, that it subsists still, and that the *English* have reaped no less Advantage from it than the *French*.

This Peace, procured by the *French*, has for its Basis the Consent of the *Caribbees*, that the two Nations should keep
what

St. Lucia. what they possessed, leaving to the Savages *Dominico* and *St. Vincent*, which they enjoy under the Protection of *France*.

It is in vain objected, that *St. Lucia* is not mentioned in the Treaty; most of the other Islands, as well *French* as *English*, are no more mentioned than that: It is publickly known, that *St. Lucia* was for a Number of Years in the Possession of *France*; and if the Treaty of 1660 was not applicable to that Island, it ought to have been excepted by Name.

This Peace is farther proved by the Propositions made to the Lord *Willoughby*, on the part of *Monf. de Clodore*; in which it is said, that he shall observe the Convention made with the Savages of *Dominico*.

That Convention was agreed to by the *English* (p) in the end of *February* 1666, and after that Peace these Islands became flourishing.

A R T I C L E IV.

Of the Time of the Settlement of the French at St. Lucia.

THE King's Commissaries adopted in their Memorial of the 11th of *February* 1751, the Date of 1643 for the Æra of the Settlement of the *French* in the Island of *St. Lucia*. They had taken this from the Memorial delivered to *Mess. de Barillon* and *de Bonrepas*, the Commissaries of the King, on the 15th of *June* 1687, by his *Britannick* Majesty's Commissaries, whose Authority seemed to have some Weight with the present *English* Commissaries, and ought to have spared them the Trouble of entering into a Dispute that appeared unnecessary.

However,

A U T H O R I T Y.

(p) *Du Tertre*, Tome 3. page 284.

However, as the *English* Commissaries have pretended, in *St. Lucia*.
 their Memorial of the 15th of *November* 1751, to fix this Pe-
 riod at the Year 1640 ; as they have even boldly advanced, that
 the *French* took Possession of it two Months after the Expulsion
 of the *English* by the Savages ; and as they have built odious
 Insinuations on that *Æra* ; we cannot dispense with examining
 the Foundation of this new System, and what was the true
 Date of the Settlement of the *French* at *St. Lucia*.

The Opinion of the *English* Commissaries is only founded on
 a Passage in Father *Labbat*, which says (a), that *Island* was
 planted by the *French* in the Year 1640. *Monf. du Parquet* . . .
 took Possession of it about the end of that Year. . . . He landed at
 first only forty Men, &c.

The King's Commissaries, in their first Memorial, avoided
 citing Father *Labbat*, because his Work is not so properly an
 History, as the Relation of a Voyage ; he is very inaccurate in
 the historical Part, and almost always follows Father *du Tertre*,
 whom he copies in a very negligent Manner ; but sometimes
 differs from him without giving any reason for it : And, in
 short, because his Authority is of no great weight in relation
 to things that happened in his own time, and of none at all
 in that of Father *du Tertre*, who was not only cotemporary
 with the first Settlements, but frequently proved what he ad-
 vanced, by producing original Pieces.

But as the *English* Commissaries seem to insinuate, that the
 King's Commissaries have omitted citing Father *Labbat*, only
 because what he advances is in favour of the *English* ; we can-
 not dispense with shewing them their Mistake.

[S]

The

AUTHORITY.

(a) Tom. 6. page 251. in 12mo. Paris, 1752.

St. Lucia. The King's Commissaries had much greater Reason to fear, that they would charge that Author with Partiality in favour of *France*.

The Mention of some Passages relating to this very Island of *St. Lucia*, will be a sufficient Proof of this.

According to him (*b*), "the Inroads of the Savages cast such a Terror into the *English*, that their Governor could no longer find any Person who was willing to go to that Island; so that they entirely abandoned the Project of settling it."

"It is certain, says he, in another Place (*c*), that before the Year 1640, neither the *French* or *English* had thought of settling at *St. Lucia*, neither of them being in such a Situation as to think of extending themselves beyond the Bounds of the Islands they inhabited: They found it difficult enough to maintain themselves in them, and to make head against the frequent Attacks of the *Caribbees*, who took every Method to destroy or drive them out of their Country. Both the *French* and the *English* went freely to *St. Lucia*, as to an Island without an Owner, to catch Turtle at the Time of their laying their Eggs, and to build Canoes, without either of them having a Governor, a Fortrefs, or an established Colony."

This last Passage is alone sufficient to shew the Inaccuracy of Father *Labbat*, who, after having said that the *English* had no Governor of *St. Lucia*, relates (*d*), doubtless from Father *du Tertre* (*e*), that the Savages killed the English Governor.

We

AUTHORITIES.

(*b*) *Labbat*, Tome 5. page 72.

(*c*) *Idem*, Tome 6. page 251.

(*d*) *Idem*, Tome 5. page 71.

(*e*) *Du Tertre*, Tome 1. page 434.

We shall here add two other Passages from Father *Labbat*. St. Lucia.

“ The *Caribbees* ... of *St. Vincent*, says he (*f*), went to *St. Lucia*,
 “ and finding some *English* busy in fishing for Turtle, massa-
 “ cred them, as they had done in other Places, and for the
 “ same Reason, *without doing the least Injury to the French*,
 “ *who were at the same Place.*”

“ The Governor General of the *English* Islands, says Father
 “ *Labbat* (*g*), when treating of the Invasion in 1664, dis-
 “ owned the Colonel who had undertaken that Enterprize,
 “ and far from making use of the pretended Possession before
 “ 1640, founded the Right he pretended to it, on the Pur-
 “ chase he had made of that Island the Year before of the Sa-
 “ vages, by the means of *Warner*. We see plainly enough,
 “ by this Conduct, the little Right the *English* have, or ever
 “ had to that Island: They were driven from it in 1666, and
 “ from that Time have made no Attempt to return thither
 “ again.”

Without amusing ourselves in pointing out the Inaccuracies in these different Passages, we shall give our Reasons for setting aside the Date of 1643, which was adopted from the Memorial of the *English* Commissaries of 1687, as has been mentioned above.

Father *du Tertre* (the only Author that can be consulted on this Subject with any Degree of Confidence) relates (*h*), “ that
 “ the Savages of *St. Lucia* had massacred the Crews of three
 “ *French Ships* belonging to *Martinico.*”

[S 2]

By

AUTHORITIES.

(*f*) *Labbat*, Tome 6. page 252.

(*g*) *Ibid.* page 255.

(*h*) *Du Tertre*, Tome 1. page 321.

St. Lucia. By joining this Fact to that which precedes it, we find that this Act of Hostility was committed in the Month of *May* 1646, and therefore is incompatible with that State of Tranquillity which Father *du Tertre* observes (i) the *Sieur Rouffelan*, the first Governor of that Island, enjoyed till 1654. This is the first Proof that the Settlement of *St. Lucia* did not subsist in 1646.

The peaceful Situation of the *Sieur Rouffelan* agrees very little with that State of War they were in with the *Caribbees* from 1640 to 1650.

It must also be remarked, that the *Sieur du Parquet*, who was imprisoned at *St. Christopher's*, did not set sail in order to return to *Martinico*, till the 6th of *February* 1647 (k), and it was not till after that time that he formed the Project of planting a Settlement at *St. Lucia*.

“ *Monfieur du Parquet*, says Father *du Tertre* (l), being on “ the point of returning to *France* to obtain the Islands of “ *Martinico* and *Granada*, and seeing that of *St. Lucia* abandoned by the *English*, resolved to take Possession of it before “ his Departure.”

From this Passage, we derive, in the first place, a Proof that *Monfieur du Parquet's* Imprisonment, which ended on the 6th of *February* 1647, was before his taking Possession of that Island.

2. That it was after the Resolution then taken by the Company of selling some of their Islands, a Resolution that was not agreed upon till the 1st of *August* 1647 (m), and which probably

AUTHORITIES.

(i) *Du Tertre*, Tome I. page 435.

(k) *Ibid.* page 386.

(l) *Ibid.* page 442.

(m) *Ibid.* page 442.

bably could not be known at *Martinico* till the End of 1647, *St. Lucia*.
or the Beginning of 1648.

This Argument is confirmed by the following Passage in the Preface to Father *du Tertre's* History (*n*). *I shall give a Description of all the Islands planted by the French, ACCORDING TO THE ORDER OF TIME IN WHICH THEY TOOK POSSESSION OF THEM.* Now *Granada*, which was settled in 1650, is placed before *St. Lucia*, and *St. Lucia* after *Marigalante*, where a Settlement was attempted in 1648.

In fine, there is a Passage that seems not to leave any Doubt in relation to the Time of the Settlement of *St. Lucia*: This is the Contents of Chap. IX. (*o*) found both in the Table of Contents (*p*), and in the Body of the Book (*q*). It is as follows.

A Description of the Island of St. Alowzia or St. Lucia, planted by Order of Monsieur du Parquet in ONE THOUSAND SIX HUNDRED AND FIFTY, by the Sieur Rouffelan.

This Head to the Chapter is a very positive Proof that the abandoning of *St. Lucia*, without ever reclaiming that Island, had lasted ten Years, when the *French* took Possession of it.

We find in the same Father *du Tertre* (*r*), that *at the Beginning of the Year 1654, the Savages of all the Islands began a new War; the true Cause of which was no other than the Settlement of the French in Marigalante, St. Lucia, and Granada: Which obliged Monsieur du Parquet to send Provisions and Ammunition to Granada and St. Lucia.*

The

AUTHORITIES.

- (*n*) *Du Tertre*, Tome 2. page 2.
- (*o*) *Ibid.* page 36.
- (*p*) In Figures.
- (*q*) In Words.
- (*r*) *Du Tertre*, Tome 1. page 465.

St. Lucia. The *Sieur de Rochefort* attributes this War to the same Cause, and we see by that Chapter in *Father du Tertre*, that had it not been for an unexpected Assistance, the Savages would perhaps have forced the *French* to abandon even *Martinico*: As has been mentioned above.

It may also be observed from this Passage, that if the Settlement of *St. Lucia* had preceded eight, ten, or twelve Years those of *Marigalante* and *Granada*, to all Appearance *Father du Tertre* would have been an Object of Jealousy to all the Savages; and the Manner in which he expresses himself, leads us to believe, that these three Settlements were made nearly at the same time: That of *Marigalante* had been attempted without Success in 1648, and had succeeded in 1652; that of *Granada* was, as has been shewn, on the 8th of *June* 1650; and therefore that of *St. Lucia* could not be far distant from this Period.

To all these Testimonies, against which, it is presumed, nothing can be objected, we shall add one drawn from a Piece joined to our first Memorial communicated to the *English* Commissaries, Numb. XXXVIII. dated *October* 8, 1663; where it is said, speaking of *St. Lucia*, it is THIRTEEN YEARS since *Monfieur du Parquet* obtained it from the Indians, (who were its only Possessors) by Force of Arms, which they had daily employed against us.

This Passage is the more conclusive, as it seems that it was then thought more favourable to the young Children of *Monfieur du Parquet* to have their Possession reputed of ancient Date.

We shall not insist any farther on the irreparable Breach the proving of this Date must make in the *English* System; it plainly justifies *Monfieur du Parquet*, supposing that he could stand in need of it, after *Father du Tertre's* Testimony. If Attention

had

had been paid to this Period, the many bold, extravagant Expressions, and odious Insinuations, might have been spared, that have been thrown away to no purpose, in the Memorial of the 15th of November 1751.

After having justified Monsieur du Parquet and the French, and after having separated their Cause from that of the Savages, Equity and the Protection France promised to grant the Caribbees in 1660, seem to require our answering the Reproaches so often repeated in the English Commissaries Memorial, where they continually exclaim against their Treachery and Massacres.

It is sufficient for this Purpose, to recollect, that the Expedition in question was no more than a warlike Exploit, and just Reprisals for the Treachery that had been used to the Savages of Dominico, by an English Vessel (s).

ARTICLE V.

A Comparison between the Right of the French to St. Lucia, and that of different Nations to many Islands and Parts of America.

IT appears by the preceding Article, that the Island of St. Lucia was not in the Possession of the French till 1650, ten Years after it was abandoned by the English, who had been unable to maintain their Ground against the Caribbees. The following Passage is taken from Father du Tertre (a).

“ This Eruption of the Savages cast such Terror into the Minds of the English, that they no longer thought of settling there, because that Island being far from those they inhabited,

AUTHORITIES.

(s) Du Tertre, Tome I. page 434.

(a) Ibid. page 435.

St. Lucia. “ inhabited, they could receive no Succour from them on the
“ like Occasion.”

The ten Years which passed without the *English* endeavouring to settle again in that Island, are the most complete Proof of its being perfectly abandoned.

The History of the *Antilles* is filled with Examples which prove, that as soon as one Island was abandoned by an *European* Nation, it was seized by another, without any Regard being paid to the Rights of the Nation that had before possessed it: These Examples are even common to many other Possessions in *America*.

By this Title the *English* possess *Carolina*; and the Observation made on this Subject, in the first Memorial of the King's Commissaries, relating to the Island of *St. Lucia*, has remained unanswered by the Commissaries of his *Britannick* Majesty.

We may even cite the Example of *New England*, where the *French* attempted to form a Settlement before those of the *English*. May not the Care taken by the Count d'Esstrades to put the Government of *England* in mind of this, be considered as a Reclamation that ought to have preserved to *France* her ancient Right?

Did not the *French*, on being obliged by the *Spaniards* to retire from *St. Christopher's*, take refuge at *Antego* and *Montserrat* before the *English*, who landed in that Island, after their being obliged to abandon *St. Lucia*, and before those who formed the first Settlements of *Antego*?

Nothing can be said against the Right acquired by the *French* to *St. Lucia*, by their Possession after its being deserted by the *English*, that may not be applied to the Right of the *Dutch* to *Statia*.

The French were settled at *Statia* in the Month of September *St. Lucia.* 1629. This Date is taken from that of Monsieur *du Cusac* or *Cabusac*, the Commander of the Squadron which arrived at *St. Christopher's* towards the End of *August* 1629 (*b*): It is added (*c*), that Monsieur *Cusac* caused a Fort to be built in *Statia* in his Presence, which is that now possessed by the Dutch; it is also there said, that it is probable, the French abandoned it on account of its having no River or Spring of fresh Water (*d*).

It appears (*e*) that this Settlement, or at least the Fort built by Monsieur *de Cabusac*, was not built till 1635, which may proceed from Monsieur *de Cabusac's* forming the first Settlement in 1629, and building the Fort in 1635, which is of no Importance to the present Question.

However that be, it is said in the same Place, that it is certain the Dutch took Possession of that Fort, only because it seemed to be neglected by the French.

This implies that it was abandoned, and the more, as at that time *France* and *Holland* were in perfect union. We have not found the Date of its being deserted; but find (*f*) that on the 8th of *December* 1639, the Dutch were in Possession of *Statia*, and had a Governor there, who maintained a good Understanding with the French Governor of *St. Christopher's*. We also find that there was a Dutch Governor at *Statia*, on the 24th of *June* 1644 (*g*).

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AUTHORITIES.

(*b*) *Du Tertre*, Tome 1. page 52.

(*c*) *Ibid.* page 27.

(*d*) *Ibid.* page 27.

(*e*) *Idem*, Tome 3. page 245.

(*f*) *Idem*, Tome 1. page 134.

(*g*) *Ibid.* page 240.

St. Lucia. It cannot be said, that the *Dutch* had acquired *Statia* by Right of Conquest, as there had been no War within those ten Years either between *France* and *Holland*, or between *France* and *England*, nor even, as we believe, between *England* and *Holland*.

They neither obtained it by a Treaty with *Spain*, nor by a Conquest from the *Spaniards*.

They could not then lawfully possess that Island in 1639, and afterwards till the Treaty of *Breda*, but by a Right obtained by Possession, after its being abandoned by the *French*.

Whether an Island be deserted for want of Water, or on account of the Incursions of a Savage Nation, we do not see that it causes any Alteration in the Nature of the Dereliction; and if during a hundred Years, a Nation may pretend to have a Right of Resumption, against those who have driven out the Savages, we do not see why there is not the same Right against those who have built Cisterns.

This Example is entirely parallel to that of *St. Lucia*, and is even less favourable, as it does not appear that the *Dutch* were obliged to engage in War to maintain themselves in the Possession of *Statia*.

However, *France* has set so little Value on this Right of Resumption, that she has refused to make use of it, on the most favourable Opportunity.

This was at the Treaty of *Breda*, by which the Island of *Statia*, as well as that of *Tobago*, remained in the Possession of *France*, who had taken them from the *English*, by whom, in the Course of the same War, they had been taken from the *Dutch*.

In the Negotiations that preceded the Treaty, there was never any mention made to the Right *France* might pretend to *Statia*, on account of her Possession being prior to that of *Holland*; but the King took Advantage of the Right of Conquest,
and

and refused to listen to the *Dutch*, then her Allies, who insisted St. *Lucia*.
that these Islands ought to be restored, as belonging to them
before the War.

When the signing of the Treaty destroyed this Pretence, and confirmed the Right of *France*, the King, of his own Motion, restored the two Islands to the *Dutch*; which is highly probable he would not have done, if the Priority of his Possession gave him a Title to a Property as unalterable as the *English* Commissaries would persuade us to believe.

And let it not be said, the Possession of *Statia* was a Matter of Indifference with the King; for it is certain, that that Island, which is a natural Fortrefs, would have been very necessary for the Preservation of that Part of St. *Christopher's* which belonged to *France*.

We may, to the Example of *Statia*, add that of the Island of St. *Croix*.

It is not certainly known, whether it was by Right of Conquest, or as the first Possessors, that the *English* and *Dutch*, in 1645, had for some Years (*b*) possessed the Island of St. *Croix*, which is not mentioned in the Extract of the Earl of *Carlisle's* Letters, cited by his *Britannick* Majesty's Commissaries.

But it is certain, that in the Month of *July* 1645 (*i*), there was a War between the two Nations in that Island: The *Dutch* were drove out of it in 1646 (*k*), and it remained solely in the Possession of the *English*.

In *August* 1650 (*l*), the *Spaniards*, in their turn, seized St. *Croix*, and drove the *English* entirely out of it.

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AUTHORITIES.

(*b*) *Du Tertre*, Tome 1. page 272.

(*i*) *Ibid.* page 272.

(*k*) *Ibid.* page 448.

(*l*) *Ibid.* page 449.


St. Lucia. A little after the *Dutch* made an unsuccessful Attempt to recover that Island from the *Spaniards*, with whom they were at open War.

France was also then at War with *Spain*; in consequence of which, the *French* Governor of *St. Christopher's* undertook the Conquest of *St. Croix*, succeeded, and established a Colony there.

We do not find that either the *English* or *Dutch* have made any Complaints of this Right of Possession, though it was less favourable than that of *St. Lucia*. The abandoning of *St. Croix* by the *English*, while the Possession of the *Spaniards* did not last perhaps three Months, and the Desertion of the Island by the *Dutch* five years before, being forced, and followed by an Enterprize that might have given a Title to a *Reclamation and an Act of Authority*, if such a Manner of speaking, so favourable to unlawful Measures, and Pretensions that have the smallest Foundation, had been then known.

We find another Example of the Principles that have taken place with respect to the Property of the *American* Islands, in what has passed between the *French* and *Dutch* at the Island of *St. Martin*.

They were both driven out of that Island in 1638, by the *Spaniards*, who placed a strong Garrison in it: But afterwards the *Spaniards*, being probably weary of the Expence of keeping an Island that was of little Use to them, abandoned it in 1648. Immediately the *Dutch* Governor of *Statia* imagined that he had a Right to take Possession of it, without paying any Regard to the ancient Right of *France*, who, in reality, had no Foundation to build any Pretensions upon, if the *French* did not concur with the *Dutch* in taking Possession of the Island after its being abandoned by the *Spaniards*, and
if

if both Nations had made no Agreement to divide it between *St. Lucia*.
them (m). 

We might add to these Examples, those of all the *French* Islands mentioned in the Earl of *Carlisle's* Letters, if it was true that they then belonged to *England* by *Priority of Discovery and Plantation*; for it is certain, that they came to *France* neither by conquering the *English*, nor by Treaty.

In fine, the Re-establishment even of the *English* at *St. Christopher's*, after *Don Frederick of Toledo's* Expedition, is another Proof of the Right of possessing what others have abandoned. It cannot be denied, that the Right of the *English* to *St. Christopher's* was extinguished by the Capitulation made with *Don Frederick of Toledo*, and that if that General had established a *Spanish* Colony there, that Island would at this Day have belonged to his Nation; but that not being done, the *English* and *French* who did not sign the Capitulation, had a complete Right to re-establish themselves there again, as in a vacant Country; and it would be very ill judged to take Advantage against *England* of *Don Frederick de Toledo's* Expedition, though they should even decorate it with the Title of an *Act of Authority*, and should give that of *Invasion* to the peaceful Return of the *English* and *French* to *St. Christopher's*, from which all the *Spaniards* had departed.

It ought to be remarked, that there is not one of the Examples we have cited, which is not less favourable to those who are willing to seize, or have in fact seized, vacant Islands, than they are to the *French*, with respect to that of *St. Lucia*, which continued ten Years vacant before they took Possession of it.

We

AUTHORITY.

(y) *Du Tertre*, Tome I. page 408.

St. Lucia

We believe we cannot conclude this Article better, than with a Passage from the *Sieur de Rochefort*, a cotemporary Author, who does not appear to have foreseen, that there would ever have been any Dispute between the *English* and *French* on the Subject of *St. Lucia*.

“(n) *Monf. du Parquet*, Governor of *Martinico*, has also granted . . . the Seignory of the Islands of *Martinico*, *Granada*, and *St. Lucia*. . . *Monf. Houel* has done the same with respect to the Islands of *Guardelupe*, *Marigalante*, *Desfudo*, and *Todos-antes*. These two last are not yet peopled; but he has demanded the Seignory of these Countries, in order that no body may civilly take Possession of them: For the Company trading to the *American* Islands . . . have obtained from the King all the Islands inhabited or to be inhabited in process of Time; so that these Gentlemen, who have treated with the Company, have put into their Grant the Islands that are not yet planted, but are in their Neighbourhood, and in a convenient Situation, and as soon as they have a sufficient Number of Men in their Islands, they will send them to those, *if the English or Dutch do not first seize upon them*; FOR IT IS A GENERAL RULE, THAT AN UNINHABITED COUNTRY BELONGS TO THE FIRST WHO PLANT IT, and the King’s or the Company’s Grant is only to secure these Gentlemen against any of our Nation who may engage in the same Designs.”

ARTICLE

AUTHORITY.

(n) *Du Tertre*, Tome 2. page 66.

ARTICLE VI.

Of the Necessity and Legality of the planting of St. Lucia by the French.

IF the *Sieur du Parquet* had been willing to wait patiently *St. Lucia*, till the *English* returned to *St. Lucia*, he could not have done it without exposing *Martinico*. *St. Lucia* was the most proper of all the *Caribbee* Islands, to serve as a Retreat for the Savages, in their laying waste the *French* and *English* Islands, and perhaps for a Station for the *Spaniards* in some more considerable Enterprize.

He was then obliged, for his own Safety, to make sure of *St. Lucia*; and the *English* who had no Thoughts of returning thither, since their taking refuge at *Montserrat*, where they were settled, had no personal Right, and were able to leave none to their Nation, of gathering the Fruit of the *Sieur Parquet's* Expences, and of the Blood of the *French* spilt in preserving that Island.

“*Granada* and *St. Lucia*, says *Father du Tertre* (a), have “been the two Leeches that have exhausted the most valuable “Part of his Substance. That Gentleman’s Children would “have had a Million in *France*, had he sent thither what he “has expended in the Preservation of these two Colonies.”

The *French* then did not enjoy the Acquisition of *St. Lucia* without Expence: The Preservation of that Island has cost considerable Sums and much Blood; and can it now be pretended, that it was for *England* they acquired and preserved it, at the Expence of their Lives and Fortunes?

It

AUTHORITY.

(a) *Du Tertre*, Tome 1. page 433.

St. Lucia. It follows from this Observation, that though the *French* were not the Proprietors of *St. Lucia* by their taking peaceable Possession of that Island after its being abandoned by the *English*, they would have been so by Right of Conquest, and *St. Lucia* would have belonged to them, as a conquered Country obtained from the *Caribbees*.

Monf. du Parquet (says an Act of the 8th of *October* 1663, which was produced by the King's Commissaries with their Memorial, and has already been cited in this) *had obtained it from the Infidels, who alone possessed it, by Force of Arms, and with whom we were continually at war.*

This Conquest has, in fact, cost the Lives of three Governors, without reckoning the Troops that must have perished there.

The *English* could no otherwise take from the *Caribbean* Savages the Island of *St. Lucia*, but by Right of Conquest; these Savages entered again into its Possession by the same Right; and the *French* have enjoyed it by the same Title, after having driven these Savages out of the Island.

A R T I C L E VII.

An Examination of the pretended Sale of St. Lucia to the English by Warner.

THOUGH the Treaty of 1660 had not bound the *Caribbees*, and had not before-hand invalidated the Sale of *St. Lucia* by *Warner*, that Sale would have been invalidated by the Possession of the *French*.

That pretended Sale would have been void, in case the *French* had been still in open War with the Savages; for in that Case, the *English*, who were then at peace with *France*, could not have purchased from the *Caribbees* the Right of seizing one of
the

the *French* Conquests: By a much stronger Reason, the Right *St. Lucia.* of the Savages being extinct by the Peace with the *Caribbees* in 1660, the one had no Power to sell, and the other no Right to buy.

But if after these general Reflections, there is reason to be surprized that *England* should prop up her Pretensions by such a Title, we must be still more so at viewing the Piece itself, where every thing bears the Marks of Fraud.

There is no Proof that it was done by publick Authority: It is an inexcusable Error in the *English* Commissaries of 1687, to advance that *the Lord Willoughby, Governor of Barbadoes, had purchased that Island of the original Proprietors for his Majesty in 1663*; he was not a Party in the Contract, nor gave the Powers for passing it.

There is no sufficient Proofs that the four Savages, the Sellers, had Power from the *Caribbean* Nation to sell.

The Price of the Purchase is specified in a very vague Manner.

There is an entire Concealment, contrary to common plain dealing, that the *French* were in Possession of the Island, and had a Governor and Garrison in it.

In short, the most serious and effectual Denial, on the part of the *Caribbean* Nation, since those Savages did not cease to make war on the *English* of *St. Lucia*, till they left the Island; and it does not appear that they at the same time performed any Act of Hostility against the Islands that really belonged to the *English*.

This is the first time that *England* has brought to light this extraordinary Title; and in producing it, she acknowledges the *Caribbees* as the Proprietors of the Islands of *St. Vincent* and *Dominico*.

St. Lucia. In short, the Crown of *England* cannot make use of this Title, without renouncing all its former Pretensions to *St. Lucia*: For if the Duke of *Cumberland*, by staying there three Days in 1593, to take in Provisions, acquired for *England* an immoveable and unprescribed Right;

If *Oliph Leagh*, by landing there sixty-seven Men in 1605, who were drove out a Month after, has continued that Possession;

If the *Bermudians*, or others who have been there, or have formed the Design of going thither, have by that Design, or by vain Attempts, deprived all other Nations of the Right of entertaining the same Design;

If the Priority of *Thomas Warner's* Discovery deserves the Consideration they would give it;

In short, if the Detachment sent from *St. Christopher's* in 1639, and exterminated in 1640, has for ever rendered *St. Lucia* subject to the Crown of *England*;

What Right had particular Persons, even among the *English*, to purchase that Island of the *Caribbees*, and what Right had the *Caribbees* to dispose of the unalienable Dominions of *England*?

This Fruit of the Drunkenness of four Savages, and the Dishonesty of the Purchasers, is therefore only fit to shew the little Confidence People in the *Caribbee* Islands, as well as in *England*, had in all these pretended Claims to *St. Lucia*, and the Necessity there was for a new Title to give a Colour to the Invasion of that *French* Island in the midst of Peace.

A R T I C L E VIII.

Of the pretended Claims and Attempts of the English relative to St. Lucia, since the French took Possession of that Island in 1650.

WE cannot place among the Claims made by the *English* St. *Lucia*. to the Island of St. *Lucia*, to the Prejudice of the Right of *France*, those the *English* Commissaries pretend to have been made from 1640 to 1650 (a).

In the first place, because having required them to give Proofs of it, they have cited page 438 of the first Volume of *Father du Tertre*, where he neither treats of that Claim nor any thing relating to it.

In the second place, because it would imply a Contradiction to pretend to claim from *France*, an Island which the *French* did not yet possess.

We also find in Paragr. LIX. that a Claim was made two Years after the Expulsion of the *English* from St. *Lucia*, and the *French* taking Possession of it, which they have placed in the same Year, though there was an Interval of ten Years. If it was two Years after the Expulsion of the *English*, that is, in 1642, we have shewn the Impossibility of it; and if it was in 1652, they ought to have mentioned their Proofs; but we have demanded them in vain, and are very sure that they have none to produce.

We can therefore find none before the Claim by an *Act of Violence*, (as it is represented by his *Britannick* Majesty's Commissaries) made by an *English* Ship in 1657; an Enterprize of

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which

A U T H O R I T Y,

(a) Paragraph XXXV.

St. Lucia. which Father *du Tertre* says not one Word, and which Father *Labbat* has amplified, but we do not know by what Authority.

It is very probable, that this was only an Attempt made by a Pirate, who being informed of the small Number of *French* then in the Fort of *St. Lucia*, attempted in vain to pillage it.

Two Circumstances have made the King's Commissaries think, that they have imputed that Act of Hostility to the Government of *England*, upon too slight Grounds.

The first is, that it was only two Years after the Treaty of *Westminster* in 1655, which left no Pretence for any violent Measures.

The second is, that the *English* Commissaries having been required to prove that that Enterprize was authorized by the Government of *England*, they neither did, nor attempted to do it.

The second Act of Violence performed by the *English* in relation to *St. Lucia*, but which made great Noise, was that in 1664, by Colonel *Carew*, at the Head of a great Number of Troops, with which he landed, when the Lord *Willoughby* was Governor of the *English* Islands. The *English* took the *French* Fort by Capitulation, and stayed about eighteen Months in the Island; but the Savages, Famine, and Sickness, obliged them to abandon it without ever returning.

The King's Commissaries have maintained, that this Act of Violence ought not to be imputed to the *English* Government.

The *English* Commissaries assert, that it was authorized by the Government of their Nation.

But whether it was authorized or not, it was not the less an Act of Violence, contrary to all the Regulations of the Law of Nations, and incapable of destroying the Right of *France*, not only on account of the Fruitlessnes of that Enterprize, but also

also because the *English* did not dare to produce their Title, *St. Lucia*, in order to have it confirmed by the Treaty of *Breda*.

The King's Commissaries did not attribute this Invasion to the Government of *England*, because in the first place it appears, that the warlike Preparations for its Execution were not carried on in any Part of *Europe*, but entirely in the *English* Islands.

2. The Lord *Willoughby*, who was the secret Soul of the Enterprize, durst not acknowledge it.

3. If Colonel *Carew*, who had the Command in that Enterprize, declared to the Person sent to him by *Monf. de Tracy*, that he acted by Order of the King of *England*, it was because he could not avoid saying this, without declaring himself a Pirate.

4. The *American* Colonel's Care to mention the King of *England* without shewing his *Britannick* Majesty's Order, or naming the Lord *Willoughby*, his immediate Superior, agrees with his Lordship's disclaiming it, and confirms the Opinion that ought to be entertained of that dark Affair.

5. If that Enterprize had been approved in *England*, the Lord *Willoughby* would not have been left in the Embarrassment which followed it, nor would he have been put under the Necessity, after all his Resources were exhausted, of leaving the unhappy Instruments of his Usurpation to perish.

We ought not to be imposed upon by the Title of Colonel, and the Word Regiment; that Regiment was composed of the Militia, and the Colonel was an Officer belonging to the Militia of the Colonies. This is still common in the *English* Colonies: But we have a positive Proof that it was so at that Time in
Father

St. Lucia. Father *du Tertre*, who says (b), that at an Audience given by the Lord *Willoughby* to the *Sieur du Blanc*, who was sent from the Governor of *Martinico*, his Lordship was in company with eight, ten, or twelve Colonels.

The *Sieur du Blanc* arrived at *Barbadoes* on the 23d of *February* 1666, forty-eight Days after the unhappy Remains of the Regiment belonging to the pretended Colonel *Carew*; after his Succesor *Cook* had abandoned *St. Lucia*, and after the *French* had again taken Possession of it. The *Sieur du Blanc* was ordered to complain of the Piracies committed by the *English* Vessels; when the Lord *Willoughby* might have replied, that the Governor of *Martinico* had no reason to complain of a few Depredations committed by private Persons, when he himself had just committed Hostilities of a more important Nature, in giving Audience to Mr. *Cook's* Deputy, and seizing the Island of *St. Lucia* after his leaving it: But nothing like this was mentioned; and the Silence observed in this respect, on both sides, was the natural Consequence of two united Circumstances, the Return of the *French* to that Island, and Lord *Willoughby's* disowning the Enterprize conducted by Col. *Carew*.

His *Britannick* Majesty's Commissaries have been able to oppose against these several Facts and Circumstances, only a Fragment of the Lord *Willoughby's* Instructions, which was not drawn up with a Design of being made publick, since it is only fit to cover those with Shame who composed it.

We there actually see an Order given in Time of Peace to incommode and harrafs the Islands that should be found in the Possession of the King of France, and not only those mentioned in

AUTHORITY.

(b) *Du Tertre*, Tome 3. pages 285 and 287.

in the Commission, but also the adjacent Islands, and to dispossess the St. Lucia.
French, if a favourable Opportunity offered.

We cannot conceive how they could determine to bring to light a Piece like this, born in Darknefs, and made to remain so. To what a Scarcity of Proofs must they be reduced, when they exhibit a Piece of this Nature!

However, this Fragment of Instructions is only an Answer to the least Part of what the King's Commissaries have demanded.

1. They asked for express Orders relating to *St. Lucia*, such as his *Britannick* Majesty's Commissaries mentioned in their Memorial, but that Island is not named in the Piece they have produced, which has no more Relation to it than to *Martinico* and *Guardelupe*, or any other where the Lord *Willoughby* should find a favourable Opportunity.

2. It can scarcely be doubted, but that if they had shewn the Piece entire, very express Orders would have been found, not to own the Enterprizes that on this Account were to take place.

3. The King's Commissaries did not desire secret Orders. While they obtained no Satisfaction in Answer to their repeated Requests, to have the many Pieces communicated to them that ought to have been publick, as for Instance, Governors Commissions, they did not desire to be shewn Instructions drawn up with a Design never to see the Light; but they demanded such Orders as Sovereigns have always, in like Cases, sent to their Governors; that is, such as they may honestly shew. It does not appear, that there were any of this Kind relating to *St. Lucia*, since they have not yet been able to produce them.

It is not sufficient to advance, that Lord *Willoughby* had made express and frequent Declarations (c) on this Subject: To the Demand

AUTHORITY.

(c) The *English* Commissaries Memorial, Parag. CV.

St. Lucia. Demand made to the *English* Commissaries to produce these Declarations, they have returned no Answer; and as the King's Commissaries, and even those of his *Britannick* Majesty, have given Proofs, that in 1687 the original Piece was produced, in which the Lord *Willoughby* disowned that Affair, no Doubt ought to remain in relation to it.

The Orders the Lord *Willoughby* might receive in 1666, in the short War that preceded the Treaty of *Breda*, being given in Time of War, cannot throw a Cloud over the Right of the *French* to the Island of *St. Lucia*: It would have been necessary for them at least to produce Orders proper to be shewn, and such as were given after the Re-establishment of the Peace. These Orders would have been considered as a Sort of Reclamation, the Merit of which it would have been necessary to discuss; but no Orders have appeared of this kind.

In short, nothing can better prove, how far *England* then was from forming Pretensions to *St. Lucia*, than what passed in consequence of the Treaty of *Breda*.

The Execution of that Treaty took up three Years; during which the *English* shewed, on the one hand, all the Repugnance possible against restoring *Acadia* and the neighbouring Forts, and, on the other, the greatest Eagerness to enter again into the Possession of the *Caribbee* Islands taken by the *French* during the War.

Orders were even issued by King *Charles* II. for delaying the Restitution of *Acadia*, for fear Difficulties should arise with respect to that of *St. Christopher's*, and other *English* Islands then possessed by the *French*.

Could a more favourable Opportunity ever be found for renewing the Claim to *St. Lucia*, if *England* had then believed that she had the least Right to it? And would the Lord *Willoughby*, who, notwithstanding the Peace, ill used the Savages of

of *Dominico* and *St. Vincent*, have so soon forgot his Designs *St. Lucia*.
upon *St. Lucia*, if he had not had positive Orders to think no
more of them?

The profound Silence of the *English* at that time in regard to *St. Lucia*, which had been in the peaceable Possession of *France* for more than two Years, would therefore be the best Interpretation that could be given to the Treaty of *Breda*, if it was thought to want it. We shall here avoid repeating what we have said on this Subject, in our Memorial of the 11th of *February* 1751.

It might appear superfluous were we to discuss every thing that followed that Treaty, which has been confirmed by all following Treaties. Late Pretensions, without any new Foundation, cannot invalidate a Possession lawfully begun in 1650: We shall however make some Reflections on what we learn from History, and on what the *English* Commissaries have produced, even in relation to later Times.

In all the Papers and Memorials prior to 1686, *St. Lucia* is either not named, or if it be, it is with *Martinico* and *Guadelupe*, the Property of which *England*, it is presumed, is not disposed to dispute with *France*.

The 18th of *September* 1686, will then be the first Period at which the King's Commissaries will stop; for on that Day Colonel *Steede*'s first Letter is dated. A Letter that ought to be considered as the first Step that can be attributed to the Government of *Great-Britain*, for making known the Pretensions of that Kingdom to *St. Lucia*. Yet there is reason to believe, that the Hostilities committed by Captain *Temple*, before the Date of that Letter, had neither been foreseen nor ordered in *England*; since, on the King's Commissaries requesting to have those Orders communicated to them, they

St. Lucia. have obtained nothing but Citations from the Minutes taken at *Barbadoes*, which they have not shewn; or have referred them to the Enquiries made in that Island, which are perhaps one and the same thing with those Minutes, and where no Trace is to be found of the Orders of the *English* Government.

The second Letter they have cited from Colonel *Steede* of the 27th of *March* 1687, proves nothing but an Infraction made in the provisional Treaty of Neutrality in 1686, for *America*, and in all the other Treaties that then subsisted between *France* and *England*. It also proves, the small Degree of Confidence the *English* Governor had in the ancient Pretensions of his Nation to *St. Lucia*, since he boasts, though falsely, of having secured that Island to *England* by an actual Possession; a Name he was pleased to give to Incursions that had only a transient Effect, and that never hindered the *French* from being ever since the sole Inhabitants of *St. Lucia*. We find in that Letter no Trace of *English* Plantations and Settlements; but only Projects and Attempts to destroy the Settlements of the *French*, and to expel them from the Island, which further proves that they were the only Inhabitants of *St. Lucia*, and that they were disturbed by the Acts of Violence committed by Colonel *Steede*, which that Colonel called, as the *English* Commissaries do at present, Acts of Possession, without its being proved, that there was a single *Englishman* settled at *St. Lucia*, any more than at *Dominico* and *St. Vincent*.

We shall here take no notice of the pretended Expedition of *James Walker*, mentioned without either Date or Circumstance in the *English* Commissaries Memorial, and founded only on the vague Testimony of Mr. *Christopher Codrington*. In the following Article we shall examine what relates to this Fact,
Mr,

Mr. Codrington's Deposition, and the Text of Father *du Tertre*, *St. Lucia*.
Tome 3. page 238 and 291.

The Extract from the Plantation Office produced by the *English* Commissaries, to justify the Orders given by King *William III.* in 1699, to Colonel *Gray*, directing him to drive the *French* out of the Island of *St. Lucia*, is a new Proof that the *French* had planted that Island in 1699, and that they employed Negroes there. That Extract proves nothing more.

It would be useless to dwell on more recent Facts, both because the *English* Commissaries have not disputed them, and because the Date alone would sufficiently discover that they can be of no Weight in determining the Property of *St. Lucia*.

'Tis true, however, that the Scarcity of Proofs to which the *English* Commissaries are reduced, has often obliged them to make use of such as are least expected: For want of a sufficient Title they have pretended, that the Orders given to their Governors, and the Attempts made to execute those pretended Orders, ought to serve in its stead. They have not only undertaken to place to the Account of their Government all the Infractions from which the King's Commissaries endeavoured to exculpate it, but have thought, that they could not multiply them too much. It is not only to *Cromwell's* Government that they attribute an Invasion of *St. Lucia*, a little after the signing of the Treaty of *Westminster*: If we credit the Instructions given to Lord *Willoughby*, from which they have produced an Extract, *Charles II.* also, after his Restoration, gave the Orders that occasioned *Carew's* Invasion: It was also *Charles II.* who soon after the Treaty of *Breda*, gave Orders that were as contrary as the first to the Faith of Treaties, and the publick Tranquillity. It was *James II.* who, twenty Years after the Treaty of *Breda*, gave pressing Orders to renew the same Acts of Violence, and that at

St. Lucia. a Time when *England* complained most of his Connections with *France*. In short, according to them, King *William III.* authorized the same violent Measures a little after the Peace of *Ryswick*; and there has been scarcely any Interval of Peace which the *English* Government has not made use of to CLAIM BY VIOLENT MEASURES, or in other Words, by Force of Arms, an Island which they have never attacked in time of War, nor reclaimed in any Treaty: And on this occasion we cannot avoid taking notice of the singular Affectation of the *English* Commissaries, in making use of the Term *Invasion*, whenever they mention the Entrance of the *French* in 1650, into the Island of *St. Lucia*, abandoned by the *English* in 1640: While, on the contrary, they have given the Name of *Acts of Authority* to all the cruel Invasions, authorized or not, that have been made at different times by the *English*.

Facts, Circumstances, and History depose, that nothing was ever more pacifick with respect to the *English* of *Europe* and *America*, than the *French* taking Possession of *St. Lucia* in 1650, under the Authority of Monsieur *du Parquet*. Every thing shews, that then there were no *English* there.

The Return of the *French* after its being abandoned by Mr. *Cook*, was not with more Opposition, nor was executed with greater Difficulty: It appears even by the Fragments of the Depositions communicated by the *English* Commissaries, that none of the *English* stayed in the Island.

On which Side then are the *Invasions*? Is it on that of *France*, which took and retook Possession of *St. Lucia*, when there was absolutely no Person in the Island? Or on the Part of those who, in 1657, in time of Peace, resolved to surprize and obtain by violent Measures the Fort of *St. Lucia*, who, to exert, as they say, *Acts of Authority*, assembled in 1664, in time of Peace,

a small

a small Army, with which they took the same Fort by Capitulation ; who, in 1688, also in time of Peace, burnt the Houses, destroyed the Plantations, carried away a Part of the Inhabitants, and obliged others to take refuge in the Woods ?

Can it be imagined that by putting twenty times the Word *Invasion*, and as often that of *Act of Authority*, each in the Place where the other ought to have been, they would persuade the whole World, that the Violence was on the Side of *France*, who has possess'd a vacant Country ; and the faithful Observation of Treaties, and the Regard due to the publick Tranquillity, on the Side of *England*, who, in time of Peace, has ravaged an inhabited and cultivated Island, where there was a Garrison and a Governor subject to that of *Martinico* ? Can they believe, that by putting a contrary Sense on these Words they shall impose on all *Europe*, who have before their Eyes the History of all that has pass'd in this Dispute ?

His *Britannick* Majesty's Commissaries have themselves shewn, that their Cause is desperate, by the Necessity they are under of having recourse to the most astonishing Paradoxes, and to those most contrary to the Repose of the Publick, as the maintaining (*d*) that the most proper Means of preserving a Prescription in time of Peace, is, frequently to commit Outrages against the Island of *St. Lucia*.

AUTHORITY.

(*d*) Parag. XII.

ARTICLE IX.

An Examination of the Enquiry made at Barbadoes in 1688, to justify the Rights of England in relation to the Antilles.

St. Lucia. **O**F all the Pieces the *English* Commissaries have made use of in support of their Pretensions to *St. Lucia*, there is none which they have cited oftener, and with more Confidence, than the Enquiry made at *Barbadoes* in 1688. It even seems as if they have been willing to multiply it by the different Denominations under which they have represented it, in an infinite Number of Places in their Memorials.

Among the Acts they have cited, there are none which the King's Commissaries have with such Earnestness desired to have communicated to them entire as this.

We had never a greater Right to require an entire Piece; it is not secret Instructions, but a judiciary Act, that can have no Authority but as it is publick, and as the Parties concerned may examine its Form and Contents.

Upon no Occasion can there be a greater Necessity for producing an entire Act, than in the Case of that Enquiry, which being composed of a great Number of Testimonies, can be of no Service in the Discovery of Truth, without comparing the different Depositions with each other; a Comparison which it is impossible to make, while they only shew loose Shreds.

Whatever these Fragments are, they may serve to shew, the Care *England* has taken to form a Title; but they are a much better Proof that she has none at all to the Possession of *St. Lucia*.

This Enquiry was made by Colonel *Steede*, Governor of *Barbadoes*, and Author of the Depredations committed at *St. Lucia* in 1686, in Time of Peace, in order to justify those Depredations.

It was not till after the Hostilities committed in Time of *St. Lucia*.
Peace, that Colonel *Temple* was employed by Colonel *Steede* to
inform the Governor of *Martinico* of the Pretensions of that
of *Barbadoes* to *St. Lucia*; it was also after the same Acts of
Violence that this Information was begun.

The Enquiry being only made by *English* Men and Women
belonging to *Barbadoes*, all interested in acquiring for their
Prince and themselves a Right to *St. Lucia*, it could not be
received in any Court of Justice upon Earth, as securing the
least Degree of Property to *England*.

The Fragments they have given of it, being extracted and
produced by *Englishmen*, who were ordered to make good the
Right of that Crown to *St. Lucia*, there is reason to believe
that they have selected those Testimonies that are most fa-
vourable to the Cause they would maintain.

We see even by the Title of the Piece, that the *English*
who made the Enquiry, did it with a Design to search for the
Right of *England* to *St. Lucia*, *St. Vincent*, &c. He who or-
dered the Enquiry, the Commissaries, and Compilers, are
therefore as exceptionable as the Witnesses themselves. Is it
not very unhappy for *England*, that after so many Precautions,
and notwithstanding their taking at least seventy-two Days to
digest that Piece, they could not shew it entire.

They have had so little Regard to Probability in this pre-
tended judiciary Act, that the several Depositions are of very
distant Dates, and the most modern are placed first.

The Depositions are not only made at different Sitzings, be-
tween which there are long Intervals, but are received by dif-
ferent Commissioners; and Colonel *Steede* who nominated them,
performed the Office of Commissioner himself on the 30th of
June; to hear Mr. *Codrington*.

We

St. Lucia.

We have the more Right to maintain, that the Part of the Enquiry, they have not shewn, is in favour of *France*, as 'tis plain, from what we see of it, that it is very extensive ; and yet they have produced only two Depositions made on different Days in *June*, five in four different Days in *July*, and none from the 20th of *July* to the 5th of *September*, that is, during forty-five Days, which make near two thirds of the Time we are told the Inquest lasted.

After these Reflections, we flatter ourselves that they will confess, that we ought not to be charged with eluding Difficulties when we attend to the Examination of the Pieces they have produced under so improper a Form. We shall, however, run through the Depositions one after another, in the Order in which they have been presented : This Examination is the more necessary, as in many of the Articles where we have required Proof, they have referred us to that Enquiry, as if it was sufficient to answer every Difficulty.

But before we enter upon the Particulars of these Depositions, we think it necessary just to mention Captain *Walker's* pretended Expedition, so often cited by the *English* Commissaries, which the Commissioners appointed in 1688, to search into the Rights of *England* concerning the *Antilles*, mention in the Preamble they have joined to the Fragments of the Enquiry they have thought proper to impart.

We find in that Preamble, that according to the Testimony of Col. *Codrington*, *James Walker* was sent a short Time after, (a very vague Date) by the Governor of *St. Christopher's* to subdue the Indians of *Dominico*, *St. Vincent*, and *St. Lucia* . . . That this Captain having found, during these Transactions, some Frenchmen who were employed in hunting or fishing in these Islands, drove them thence, &c.

On which the King's Commissaries would observe, that St. *Lucia*. Colonel *Codrington*, in his Deposition, mentions *Walker's Expedition* against the Savages, only as Hearsay, and does not say a Word of his Success against them.

But Father *du Tertre* furnishes a Supplement to Mr. *Codrington's* Hearsay. We there find, Tome 3. Pages 283 and 291, an *Englishman* named *James Walker*, who was doubtless the same Person, since the *Sieur du Blanc*, sent by *Monf. de Clodoredé* to the Lord *Willoughby*, in *January 1666*, complained of the Cruelty of this *Walker*, who seems to have commanded a Merchantman; Cruelties which the Lord *Willoughby* blamed and disavowed in the Paper he sent to the *Sieur du Blanc*, in which he promises to bring *Walker* to Justice.

It follows from Father *du Tertre's* Account in relation to *Walker*;

1. That he was not sent to subdue the Savages, since his whole Force consisted of a single *Bark*.]

2. That he made no Conquest, since if he had seized the smallest Post at *Dominico* or *St. Vincent*, the *Sieur du Blanc* would have complained of it, as he did of his pillaging some small *French Vessels*.

3. That all he could have done in violation of the Peace of 1660, would not only have been null in its Principle, but would have been subsidiarily annulled by the formal Disavowal of the Lord *Willoughby*.

4. That though it should be supposed, that the Disavowal given by the Lord *Willoughby* to the *Sieur du Blanc*, under his Hand, was only pretended (a Disavowal that we cannot help observing has some Analogy with that concerning the Invasion of *St. Lucia*) it cannot be denied that the *Sieur Walker* executed his Orders in a *dishonourable and crafty Manner*, since he came to *Martinico* to desire Refreshments, before he undertook

St. Lucia. to pillage the *French* Fishery, or insult the Savages : A Respite that was of great use in learning, whether there were any Men of War at *Martinico* ; in which he in part followed the Example of the *English* Purchasers of *St Lucia* in 1663, who went first to get Intelligence at *Grenada* ; as Colonel *Temple* perfectly imitated him in 1686.

5. Though Captain *Walker* had in 1666, extorted, by Force or Surprize, some Submission from the Savages, the small Right this Act of Violence, contrary to Treaties, could have procured for *England*, would have been annihilated by the Treaty of *Breda*, by which every thing in the *Antilles* were re-established on the foot of the ancient Possessions.

6. It is pretended on the Credit of the hearfay Evidence of Captain *Codrington*, that the same *Walker* obliged the *French* who hunted and fished at *Dominico* and *St. Vincent*, to take out Licences from the Governors of *Barbadoes* : But the Weakness of some Buccaneers, Fishermen, or other Vagabonds, who had been ransomed, or forced to do this in Time of Peace, could not give *England* a Title to rob the *French*, either of the Property of *St. Lucia*, or of the Right of fishing by the Consent of the Savages in the two *Caribbee* Islands under the Protection of *France*.

FIRST DEPOSITION, by GEORGE SUMMERS, on the 20th of July 1688.

This Deposition was taken by HENRY QUINTINE.

THIS Deponent, aged eighty-two Years, says, that he was sent from *England* to *St. Lucia* in 1628, with a Ship filled with Settlers by the Earl of *Carlisle*, but he acknowledges he did not stay there, and the Reason he gives for it, one would think, ought to have produced a contrary Effect ;
for

for if he was prevented, as he says, by other *English* Colonies *St. Lucia*; settled in that Island, the Colonies would only be more strong, and in a better Condition for resisting the Savages by means of this Recruit; which probably, like those which preceded and followed it, could not, or would not stay in an Island so exposed.

If these Colonies, or any of *Summers's* Companions had staid there, he would not have failed to have mentioned it; therefore, with respect to this Point, his Deposition only proves, as much as a single Witness could, an unsuccessful Attempt, though there is great Probability, that this old Man's Memory was defective, in relation to the Date of the Year, and that he should have said 1638 or 1639, rather than 1628.

There is all the Reason in the World to believe, that this Witness had nothing favourable to mention, within the Space of the forty-eight Years that had passed from 1628 to 1676. He relates with respect to this last Year, that an *English* Family resolved to settle at *St. Lucia*, and was driven from thence by the *Indians*.

This is one of the most solid Proofs they produce in Answer to the Demand of the King's Commissaries, to shew them fixed and permanent Settlements made and supported by the *English* in the Island of *St. Lucia*.

The SECOND DEPOSITION, by RICHARD BUDDIN, on the 26th of June 1688.

This Deposition, which was made a Month before the former, appears to have been taken by THOMAS WALROND.

THIS Deponent, aged 60 Years, saith, that he was in *Carew's* Enterprize against *St. Lucia*, and confesses, that the *English* were obliged to abandon the Island. He consequently says nothing new of his Commander.

St. Lucia. But he *heard* Lieutenant-Colonel *Banister* tell Colonel *Carew*, that *near twenty Years* before he had an Estate in *St. Lucia*; which Colonel *Banister* proved, from there being only young Trees on that Estate; as if the Land could not as well have been cleared by the *French*, or by the *Caribbees*, or even by the *English* in 1639; or as if that Colonel and his Lieutenant, the Chiefs of an Irruption that was disavowed, and which People had a Right to consider, as the Enterprize of a Pirate, or at least, as an Act of Hostility committed in Time of Peace, might not say what they thought proper to colour over their Usurpation.

The same Witness *has* also *heard* it said to *Banister*, that some Men from the *Bermudas* had been settled in the Island of *St. Lucia* before the said *Banister* settled there the first time.

This is also an *Hearsay* mentioned by *Banister*; and may it not be inferred from such Testimonies, especially when there is reason to presume, from the subsequent Depositions, that the Enterprize of the *Bermudians* to plant *St. Lucia*, was the same as that of 1639, mentioned by the King's Commissaries in their first Memorial of the 11th of *February* 1751?

We may besides be convinced of the Inaccuracy of this Deposition, in relation to the very Things the Deponent mentions from his own Knowledge, and consequently he must deserve but little Credit concerning those he related by *Hearsay*.

It was *Carew's* Enterprize; he places it in 1665; and on the 23d of *June* 1664, the *French* who were in *Fort de Chocq* had been obliged to capitulate.

He says, that the *English* stayed above six Months at *St. Lucia*; they staid eighteen Months there.

In short, the Concealment of the Force used against the *French* to drive them out of the Island, cannot be excused, and sufficiently

sufficiently shews the Dishonesty of this Witness, or of those *St. Lucia.* who have wrote down, or taken this Deposition.

The THIRD DEPOSITION, by HENRY WALFORD, on the 5th of July 1688.

This Deposition was taken by HENRY QUINTINE.

THE Deponent was sixty Years of Age: He asserts that Colonel *Carew* and his Regiment, who invaded the Island of *St. Lucia* in 1664, did not belong to the regular Troops of *Old England*; but were incorporated by the Lord *Willoughby*, notwithstanding his disowning it; the Proofs of this cannot be controverted.

We also find here, with some affected Disguises, the taking of the *French* Fort in time of Peace, and the Articles of its Capitulation have been produced by the *English* Commissaries. The Deponent says, that the *French* consented to give it up, instead of saying, that the *French* were obliged, by the superior Strength of the *English*, to capitulate, and leave the Island.

This *Walford* has also learnt, he says, from one *Alton*, another of *Carew's* Companions, that he had been about twenty Years before, (probably in 1638 or 1639) in that Island, whence the *Indians* had then driven the *English*; just as they were, either by the same *Indians* or by Sickness, at the End of *Carew's* Enterprize.

If we had occasion to prove its being in the Possession of the *French*, and its being at different Times abandoned by the *English*, from such Depositions, we should not fail to do it.

The FOURTH DEPOSITION, by Capt. AMBROSE ROUSSE, on the 5th of July 1688.

This Deposition was taken by THOMAS WALROND.

THE Deponent, aged forty-nine Years, says, that he was in *Carew's* Expedition, and he might be the Son or Relation of one of the Purchasers named *John Rouffe*.

He.

St. Lucia. He falls into the same Error as *Richard Buddin*, one of the preceding Witnesses on Colonel *Carew's* Invasion, which he places in 1665, instead of 1664.

He is guilty of the same Concealment of the Force then used against the *French*.

On the other hand, he mentions the Sale made by *Warner*; and speaks it in such a Manner as to give room to believe, that the *Indians* were then the Masters and Possessors of the Island of *St. Lucia*; but he is very obscure and confused on this Point, when he says, that the *Indians* did not give up their Right and Title to the *English*, till fifteen Days after *Carew's* Arrival in the Island; yet, however, leaving room to imagine, that this was the Execution of a former Step.

There were then two Agreements, though hitherto they have shewn none. That which is mentioned here for the first Time, and is here only mentioned, and of which we have an Account, is of the sixth of *April* 1663, a Time when the *French* were in full and quiet Possession of the Island, as is proved by the Capitulation produced by the *English* Commissaries, which is dated the 23d of *June* 1664.

He relates some of Colonel *Banister's* Hearsays, which do not at all agree with those found in *Richard Buddin's* Deposition. According to *Buddin*, Colonel *Banister* said, that he was at *St. Lucia* twenty Years before *Carew's* Expedition, and that some *English Bermudians* had formed a Settlement there, before Colonel *Banister* settled there the first Time. According to *Ambrose Rouffe*, *Banister's* Settlement and the *Bermudians* was one and the same Settlement, which he places thirty Years farther back.

These Contradictions are sufficient to shew the little Exactness of all these Hearsays, according to which the *English* were the reputed Proprietors of *St. Lucia*; but can this confused

Heap of vague and popular Reports, injure the constant Possession of the *French*, and the express Treaty of 1660? And is it to be the *reputed Proprietor* of a Country, when it is openly and publickly enjoyed by others for a number of Years? St. Lucia.

*The FIFTH DEPOSITION, by CHRISTOPHER CODRINGTON, of the
30th of June 1688.*

Received by Colonel STEEDE.

THIS Deposition mentions, that he was forty-eight Years of Age, and a Member of the Council of *Barbadoes*; he is the fifth in the Order in which they were produced, and the second according to the Order of the Dates.

If this Mr. *Codrington* is the Person who was afterwards Governor of *Barbadoes*, it cannot be doubted, but that a Testimony concerted between two Persons so well instructed, must contain all that could then be said in favour of *England*; but it is hoped, they would not oblige the *French* to give much Credit to so suspicious a Deposition.

It begins with an *Hearsay* on the Success of *Walker's* pretended Expedition; an *Hearsay*, that is so much the more extraordinary, as he says he learnt some Circumstances from *Walker* himself, while he only knows the essential Part of the Enterprize from *publick Discourse*, which he believed to be true, and yet he gives neither the Date nor the Particulars of that Enterprize. The *English* Commissaries have also not given them; but the King's Commissaries believe they have found them in *Father du Tertre*, and have given the Particulars at large with some Observations, pag. 96, &c.

What ought we then to believe of that Expedition, so often cited and so inexplicable, when Mr. *Codrington* scarcely dares affirm any thing relating to it before *Colonel Steede*?

The

St. Lucia. The same Witness says, that he sent about the Year 1672, (for in all this Enquiry we find few precise Dates) an Officer with a Detachment of Soldiers to *Dominico*, who *being arrived there, kept the Possession of that Island for his Majesty, and nominated Warner the Indian, Governor of the Island*: But he does not say, that this Detachment stayed there, or that *Warner* was acknowledged as Governor: Two essential Points, in which he would have been contradicted by all *America*. Thus all that can be made of it, is to reckon this the third of the Lord *Willoughby's* useless Attempts to violate the Treaty of 1660, in relation to the Savages: But a Treaty is not annulled every time an unsuccessful Attempt is made to strike at it by Fraud or Violence.

Mr. *Codrington* continues his *Hearsay* by a Confession of *Monfieur de Baas*, without Proof or Probability, on the Neutrality of *St. Lucia*, *St. Vincent*, and *Dominico*.

He will have that pretended Neutrality, of which no Vestige is to be found, and which he puts in the Place of the Treaty of 1660, to be agreed upon in the time of the Troubles in *England*, and would have it thought that he satisfied *Monfieur de Baas* by this happy Distinction.

St. Lucia has apparently embarrassed him, since he says only one Word about it, and that Word is a fresh Proof of his Insincerity (a). It is however probable, that this is the same Mr. *Codrington* who was one of the Purchasers in the Deed of Sale agreed upon by the Savages, on the 6th of *April* 1663, which is signed *Christopher Codrington*.

Here then are all the most specious Things these two Governors of *Barbadoes*, the worthy Successors of the Lord *Willoughby*, and the most industrious in taking Advantage by all possible

(a) See the End of his Deposition.

possible Means, of the Pretensions of England, have been able St. Lucia.
to put together.

Monfieur de Baas must have been very ill informed, of what passed in his Government, almost within his own Time, if he could be embarrassed by such Allegations.

Can he persuade any one to believe, that the Dominion of the *English* was acknowledged at *Dominico* and *St. Vincent*, at a Time when the Memory of the Ravages committed by the Savages in the *English* Islands, at present the best established, was recent ?

Could he be ignorant that it was the *French*, and principally Monsieur Houel, who made a Peace between the *English* and the Savages, by the same Treaty which put those Savages, with the two Islands belonging to them, under the Protection of the *French* ?

Could Mr. Codrington seriously tell Monsieur de Baas, that *St. Lucia* was neuter, by I don't know what kind of a Convention passed at the Time of the Troubles in *England* ; while *Martinico* was filled with Men who had planted *St. Lucia*, both before and after *Carew's* Invasion, and no body there could be ignorant of *Bonnard's* Capitulation, and the voluntary, total, and final abandoning of that Island by *Cook*, and the unhappy Remains of his Detachment ?

Let us conclude then, that the combined Efforts of two Persons who had such an Interest in invalidating the Proofs of the Right of *France* ; who have employed such Art in darkening them, and so many Means to find Witnesses at their Devotion, furnish a new, and incontestible Proof of the Nullity of the *English* Pretensions, as well to *St. Lucia*, as to *St. Vincent* and *Dominico*.

We cannot conclude this Article without observing, how un-

St. Lucia. worthy it was in Mr. *Codrington* to adopt popular Reports so ridiculous as these :

1. That the *French* came to the *Caribbee* Islands a long Time after the *English*.

2. That they settled in some Places with the Permission of the *English*.

It is still more ridiculous for a Man in Office, like him, to attribute such Discourse to Sir *Thomas Warner*, the first *English* Governor of *St. Christopher's*, who having made and renewed the Partition of that Island with the *French*, could neither be ignorant, nor pretend to be so, that they were at least cotemporary with the *English* in the *Caribbee* Islands.

In short, can it be supposed, that at the Time when most of the Depositions of the Enquiry made at *Barbadoes*, mentioned the Enterprize of Colonel *Carew*, who had for a Time driven the *French* from the Island of *St. Lucia*, in 1664, Mr. *Codrington*, who, according to all Appearance, was present in that Expedition, could honestly say, that he never heard that any Prince claimed a Right to *St. Lucia*?

If it was possible for him to be so ignorant in relation to the Affairs of the *Antilles*, his Testimony can be of no Weight in a Dispute relating to them; if he spoke contrary to his own Knowledge, it is still worse.

The SIXTH DEPOSITION, by CHARLES COLLINS, dated the 5th of September 1688.

THIS Deponent, aged sixty, is found to be the eleventh Person among the Purchasers of *St. Lucia*, in the Act of the 6th of *April* 1663, though he does not positively say so in his Deposition.

He gives a pretty long Account of the Manner in which Colonel *Carew's* Expedition in 1663, was carried on, in order
to

to take *St. Lucia* from the *French* in time of Peace : And the following Observations may be drawn from his Recital. *St. Lucia.*

1. That this Enterprize was contrived and carried on at *Barbadoes*, without the *English* Government having any Concern in it.

2. That Piece serves to discover the ungenerous Proceedings of some private Persons, among whom was this Witness, who, after being well received by the *French* at *Granada*, entered into a Plot with some Savages of *St. Vincent* to drive out the *French* in Time of Peace from the Island of *St. Lucia*.

3. This Witness very positively declares, that in 1663 *Dominico* was not inhabited by the *Indians*, and insinuates the same of *St. Vincent*.

4. In this long Deposition we see no Trace of either *Dominico* or *St. Vincent* being subject to the *English*.

5. This Witness very falsely asserts, that he had never heard that any Christian People inhabited *St. Lucia*.

6. He also falsely maintains, in Opposition to what has been seen in *Henry Walford's* Deposition, that the *English* of *Barbadoes*, to the Number of twelve or thirteen Hundred, took peaceable Possession of the said Island, and according to him, he deposed what he SAW AND HEARD SAY.

7. He is neither more exact, nor more sincere, when he says, contrary to *Walford's* Testimony, and to what was publickly known, that the *French* erected no Buildings at *St Lucia*, till after the *English* purchased that Island of the *Indians*.

8. There is no more Truth in his Assertion, that the Bargain made with the four Savages was under the Authority of *Francis Lord Willoughby*. This Concurrence of the *English* Governor, ought to have been mentioned in the Deed ; but it neither was nor could be mentioned, since that Lord expressly disowned it.

St. Lucia. It must however be confessed, that the *French* are under some Obligations to this false Witness; since by the Precautions he took to raise the Belief that the Island was vacant, he seems to confess, that the Invasion of the *English* could not be excused, if *St. Lucia* had been actually inhabited by the *French*.

The SEVENTH DEPOSITION, by HUMPHRY POWELL, taken on the 17th of July 1688.

THIS Deponent, aged seventy-nine, says, that he had been Governor of *Anguilla*. It does not appear by whom this Deposition was taken; but by this Deposition it appears, that the *English*, and the Governor sent to *St. Lucia* by Sir *Thomas Warner*, were not there till 1638, or thereabouts, which agrees with Probability, and with what has been said by Father *du Tertre*; and this may be the Time when Major *Judge* was sent, which the *English* Compilers, whose Inaccuracy has been sufficiently proved, have placed ten or twelve Years earlier.

The same Witness mentions the Island being abandoned by the *English*, and their Expulsion by the *Caribbees*, as we ourselves have done in our Memorial. He says, that at the Time when the *English* were sent, there were no Inhabitants at *St. Lucia*, except the *Indians*, and that *that Settlement* (which he places in 1638 or 1639) *was the first made in that Island by any Christian People.*

It is necessary then either to set aside this old Man's Deposition, which appears one of the least coloured over, and almost the only one that can be reconciled with other Monuments; or for ever to renounce that fine Chain begun by Sir *Oliph Leagh*, in 1605, supported by Major *Judge* in 1626, and by imaginary Transplantations, or those that were ineffectual by
the

the Earl of *Carlisle* in 1635, and even in 1638, since these unfortunate Colonies were brought from *St. Christopher's*, and not from *England*; among these there appears to have been some *Bermudians*; but this Settlement did not last above eighteen Months.

*The EIGHTH and last DEPOSITION, by DOROTHY BELGROVE,
on the 10th of July 1688.*

This Deposition was received by THOMAS WALROND.

THIS Deponent, aged seventy Years, only mentions the Projects formed in the *Bermudas* in 1637, to form a Settlement at *St. Lucia*: It does not say when or how these were executed; but that these *Englishmen*, who probably went to *St. Christopher's*, before they went to *St. Lucia*, were beaten and driven out of the last-mentioned Island by the *Indians*, which points out the Expulsion of 1640.

It seems natural to conclude from this Deposition, that all the pretended Colonies sent from the *Bermudas* to *St. Lucia*, were only some of the *English* who came from the *Bermudas* and made a Part of Sir *Thomas Warner's* Detachment, sent in 1639 from *St. Christopher's* to *St. Lucia*, whose sad Catastrophe we have so often related.

The RESULT of the Enquiry made in 1688.

THE above Examination of this Enquiry shews that it is essentially false;

1. In advancing Facts that are overthrown by Papers and authentick Acts;

2. In concealing essential Circumstances in relation even to the Subject of the Enquiry;

3. In

St. Lucia. 3. In citing Dates that are not exact, and relating Circumstances that contradict each other.

All that we can conclude to be true and exact is, that about 1638 or 1639, the *English*, some of whom came from the *Bermudas*, made an Attempt to form a Settlement at *St. Lucia*, but were driven out by the Savages in 1640.

It is only to this Settlement that those mentioned by the Witnesses in so vague a Manner, after the *Hearsay* of Mr. *Banister*, can have a Relation: An *Hearsay* which their very Depositions prove to have been related in a very defective Manner: But it is rectified by the two last Depositions.

Hence the Proof of a Settlement in 1635, founded on what a Witness has said, that Mr. *Banister* had been at *St. Lucia* about thirty Years before *Carew's* Expedition, which the same Witness places in 1665, falls to the Ground of itself.

The Proof of a Settlement in 1645, founded on another Witness's placing the same Settlement made by Mr. *Banister*, only twenty Years before that Expedition, also falls to the Ground; and that picking of Dates, on which they would build the imaginary System of a Continuity of *English* Settlements in the Island of *St. Lucia*, disappears in proportion as we elucidate the Facts, and put the pretended Proofs in Opposition and Comparison with each other.

The Deposition of *Humphry Powell*, is a Monument that *Warner* sent no body to *St. Lucia* before 1638 or 1639; and according to Father *du Tertre* that was the first *English* Settlement in that Island.

This Witness, produced even by his *Britannick* Majesty's Commissaries, and who stayed many Years before and after the Settlement of *St. Lucia* in 1639, does not permit the Belief that the same *Warner* sent Major *Judge* in 1626 to be Governor of that Island.

This

This Fact is found in an Extract from the Plantation Office, *St. Lucia*.
produced at this Time by the *English* Commissaries, as it had
also been before in 1686 : But the Authority of the Board
of Trade does not excuse the Commissioners of that Office
from bringing Proofs of what they advance ; we have already
given too many of their Inaccuracy, and the little Care they
take in the Choice of the Pieces they produce, for them to ex-
pect from us a blind Credulity, either with respect to the Facts
they produce, or the Pretensions they assert.

In digressing from *Humphrey Powell's* Deposition, it is not
disputed, and the *English* Commissaries agree, that *Thomas War-*
ner arrived at *St. Christopher's* at the same Time as the *Sieur*
d'Esambuc, that is, towards the End of the Year 1625 ; that he
returned a little after to *England*, from whence he did not re-
turn till 1627. How then was he able, in that Interval, to
send Men from *St. Christopher's* to *St. Lucia* to form a Settle-
ment there, when he himself was gone to *London* to obtain Au-
thority for his Settlement at *St. Christopher's*, which he had dis-
covered by Accident ? How could he have a Major to send to
St. Lucia, when he had not yet any Troops at *St. Christopher's*,
and when the Crew of a small Vessel who had suffered by an
Engagement at Sea, perhaps formed this whole infant Colony.

Let us then honestly place the sending of Major *Judge* in
1626, among the Number of those Romances which the Con-
fusion of Dates, and the Desire of procuring a Title, have
given rise to among the *English* Compilers, and have been too
easily received among the vast Archives of the Plantation
Office.

*Reply of the French Commissioners.**St. Lucia.**The Time the Enquiry lasted.*

| | | | | | |
|-----------|---|---|---|---|----------------------|
| June | — | — | — | — | 5 Days. |
| July | — | — | — | — | 31 |
| August | — | — | — | — | 31 |
| September | — | — | — | — | 5 |
| | | | | | <hr/> 72 Days. <hr/> |

A PROOF OF THE CONFUSION OF THE DEPOSITIONS.

| NAMES OF THE WITNESSES, in the Order of the Dates. | DATE of the Depositions. | ORDER in which they are produced. | NAMES of the COMMISSIONERS who heard each Witness. |
|--|--------------------------|-----------------------------------|--|
| Richard Buddin . . . | 26 June | . . 2 . . | Thomas Walrond. |
| Christopher Codrington . | 30 June | . . 5 . . | Edwin Steede. |
| Henry Walford . . . | 5 July | . . 3 . . | Henry Quintine. |
| Ambrose Rouffe . . . | 10 July | . . 4 . . | Thomas Walrond. |
| Dorothy Belgrove . . | 10 July | . . 8 . . | The Commissioner not mentioned. |
| Humphry Powell . . | 17 July | . . 7 . . | The Commissioner not mentioned. |
| George Summers . . . | 20 July | . . 1 . . | Henry Quintine. |
| <i>Interval of the forty-five Days.</i> | | | |
| Charles Collins . . . | 5 September | . . 6 . . | Thomas Walrond. |

T H E

C O N C L U S I O N.

THE King's Commissaries have apprehended their being *St. Lucia*, justly reproached with having in this Memorial run into many Discussions that were not necessarily connected with the Cause they defended. They were to prove that *St. Lucia* was deserted, when the *French* took Possession of it: This they have done in their first Memorial; and have shewn in the second, that the Desertion of the *English* had lasted ten Years. The *English* Commissaries have acknowledged that it was abandoned in 1640, and have nothing to advance in Opposition to the Proofs that have been given of its Duration; nor have produced any Proof of its being lawfully claimed. Here then the Dispute is terminated; and one would imagine, that they would be obliged to stop here; for, after all, of what Importance is it to know, how *St. Lucia* was discovered, and who made the first Attempt to settle it, since it is known that *France* took Possession of it when it was vacant, or obtained it by Conquest from its ancient and actual Proprietors; that since they have not been stripped of it by any lawful Act, and still actually possess it?

Of what Importance also is it to know, when and how the *French* of *St. Lucia* were attacked by the *English*; whether all these Attacks, or *Claims by Acts of Force*, as the *English* Commissaries call them, have been in vain, and of short Continuance, if *France* has on her Side all the Treaties, and a Possession of more than a hundred Years?

St. Lucia. In the mean time the *English* Commissaries have in their Memorial so much magnified their pretended *Priority of Discovery*, and have talked so much of *Reclamation*, that it was thought necessary to follow them in that Dispute. It is hoped, that this is done in such a Manner as for ever to clear up an Affair, the Decision of which is of great Importance to the Repose of the two Nations; and we flatter ourselves that we have shewn;

1. That the *English* neither discovered St. *Lucia* nor the other *Caribbee* Islands.

2. That it is manifest there were no *Frenchmen* at St. *Lucia* before the *English*.

3. That the sixty-seven *Englishmen* who landed at St. *Lucia* in 1605, had no Thoughts of forming a Colony there, and were driven out of the Island so as never to return within thirty-five Days.

4. That there is no Proof of any Enterprize undertaken either in *England* or the *English* Colonies, to form a Settlement at St. *Lucia* before 1639.

5. That the *English* who were sent thither, or then went over of themselves, were not more happy than those in 1605, and were driven out, or massacred by the Savages in 1640, at the End of eight Months.

6. That from 1640 to 1650, the Island remained entirely abandoned by the *English*.

7. That in 1650 the *French* settled there without any Opposition.

8. That though the *entire* Renunciation of the *English* during six Years, would not sufficiently authorize the *French* to take Possession of St. *Lucia*, the Necessity of a just Defence against the Savages would have obliged them to do it.

9. That

9. That though *France* should not become Proprietor of *St. Lucia*, *St. Lucia*, by her Possession, after its being abandoned by the *English*, she would by the War she has maintained against the Savages, since it cannot be pretended that *France* supported that War to acquire it for *England*.

10. That from 1650 to 1686, they can produce no Complaint, no Reclamation, no Protestation made by the *English*, against the publick and avowed Possession of the *French*.

11. That in 1655 at the Treaty of *London*, in 1660 at the Treaty with the *Caribbees*, and at the Treaty of *Breda* in 1667, and during its Execution, the *English* ought to have claimed *St. Lucia*, if they had believed they had any Right to it.

12. That though the *French* should have no other Right to *St. Lucia*, than that they obtained by the Peace with the *Caribbees* in 1660, by which each Nation has kept what she possesses, that Right could not be opposed, especially by the *English*, who have concurred in the Treaty, the Benefit of which they have enjoyed.

13. That the Enterprize mentioned by Father *du Tertre* in 1657, and that of Colonel *Carew* in 1664, had no lawful Foundation, being contrary to Treaties and the publick Faith.

14. That the Enterprize of 1657 producing no Effect, and that of 1664 producing only an Effect of short Duration, could not confer any Title.

15. That the Enterprize in 1657 was not avowed, and that of 1664 was expressly disowned.

16. That the *English* abandoning *St. Lucia* in *January* 1666, without ever returning, the *French* settled in that Island without Opposition, and having enjoyed it peaceably during twenty Years, that Possession would have conferred on *France* a new Right, if there had been any need of it.

17. That

St. Lucia.

17. That the Violences committed at *St. Lucia* in 1686 and 1688, could not give *England* any Right to that Island which remained in the Possession of *France*.

18. That by these Acts of Violence the *English* could no more form a Settlement at *St. Lucia*, than at *St. Vincent* and *Dominico*.

19. That *England* cannot form any Pretensions to *St. Lucia*, without destroying all Notion of the Law of Nations, and striking at the Foundation of the Possessions of all the *European* Powers in *America*, and more especially at the Possessions of the *English*.

If all these Propositions are clearly proved in this Memorial, and if the Objections of the *English* Commissaries have been answered in a satisfactory Manner, it is hoped that his *Britannick* Majesty will at length remove the Oppositions that have been made on his Part to the entire Re-establishment and Tranquillity of the Inhabitants of *St. Lucia*: It is a long Time since they have been deprived of the Enjoyment of their Fortunes, from no other Reason but the Indiscretion of the *English* Writers in boasting of pretended Rights, more contrary to the publick Tranquillity, than useful to their Nation.

DONE at *Paris*, the Fourth of *October*, One Thousand Seven Hundred and Fifty-four.

Signed,

DE SILHOUETTE.

F I N I S.









